

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 32

Bill No. 83-15

Introduced by Walker, Chairman
(by request of the County Executive)

By the County Council, July 20, 2015

Introduced and first read on July 20, 2015
Public Hearing set for and held on September 21, 2015
Bill Expires October 24, 2015

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Erosion and Sediment Control – Plans and Permits

2
3 FOR the purpose of amending certain definitions; defining certain terms; adding new
4 requirements for erosion and sediment control plans and the issuance of grading
5 permits; adding requirements for site inspections and complaints; and generally
6 relating to erosion and sediment control.

7
8 BY repealing and reenacting, with amendments: §§ 16-1-101(21) and (83); 16-3-
9 201(b)(1); 16-3-204; 16-3-206(1); 16-3-209(c); and 16-3-306
10 Anne Arundel County Code (2005, as amended)

11
12 BY renumbering: §§ 16-1-101(52) through (95) to be 16-1-101(54) through (97),
13 respectively; and 16-3-303 through 16-3-306 to be 16-3-304 through 16-3-307,
14 respectively
15 Anne Arundel County Code (2005, as amended)

16
17 BY adding: §§ 16-1-101(52) and (53); 16-3-303; and 16-3-308
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
21 *Maryland,* That Section(s) 16-1-101(52) through (95) and 16-3-303 through 16-3-306,
22 respectively, of the Anne Arundel County Code (2005, as amended) are hereby
23

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 renumbered to be Sections(s) 16-1-101(54) through (97) and 16-3-304 through 16-3-307,
2 respectively.

3
4 SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County
5 Code (2005, as amended) read as follows:

6
7 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
8 **CONTROL, AND STORMWATER MANAGEMENT**

9
10 **TITLE 1. DEFINITIONS AND GENERAL PROVISIONS**

11
12 **16-1-101. Definitions.**

13
14 In this article, the following words have the meanings indicated.

15
16 (21) "Developer" has the meaning stated in [Article 17 of this Code]COMAR
17 26.04.03.01-1.

18
19 (52) "GRADING UNIT" MEANS THE MAXIMUM CONTIGUOUS AREA ALLOWED TO
20 BE DISTURBED AT ANY ONE TIME AND MAY NOT EXCEED 20 ACRES.

21
22 (53) "HIGHLY ERODIBLE SOILS" HAS THE MEANING STATED IN ARTICLE 17 OF
23 THIS CODE.

24
25 (83) "Standard grading plan" means a plan that may be used in lieu of a grading
26 permit only for certain minor grading and earth disturbance associated with minor
27 commercial and residential construction, AND, IF NECESSARY, MAY INCLUDE SOIL AND
28 EROSION CONTROL PLANS.

29
30 **TITLE 3. EROSION AND SEDIMENT CONTROL**

31
32 **16-3-201. Approval required; exceptions.**

33
34 (b) **Exceptions.** Approval is not required for clearing or grading associated with:

35
36 (1) [accepted] agricultural land management practices;

37
38 **16-3-204. Erosion and sediment control plans.**

39
40 (A) **Application requirements.** An erosion and sediment control plan shall contain all
41 information required by COMAR 26.17.01.07. In addition, an erosion and sediment
42 control plan shall contain all information required by the Department AND THE ANNE
43 ARUNDEL SOIL CONSERVATION DISTRICT. The information [required by the Department]
44 ordinarily shall include:

45
46 (1) the signature and seal of a design professional ON ALL PLAN SHEETS;

47
48 (2) a boundary line survey tied to the County coordinate system;

49

1 (3) a detailed plan (plan sheet 24" x 36") at a scale that is no smaller than a 1" =
2 40';

3
4 (4) the elevations, dimensions, location, extent, and slope of proposed grading,
5 including building and driveway grades, utilities, sewer, water, storm drains and, if
6 applicable, the 100-year flood elevation clearly indicated with finished contours at the
7 same interval as required or used for existing topography;

8
9 (5) the estimate of the quantity of excavation and fill involved;

10
11 (6) complete storm drainage studies and stormwater management analysis if not
12 previously submitted in accordance with the provisions of Article 17 of this Code;

13
14 (7) an appropriate legend;

15
16 (8) a 100-foot adjacent peripheral strip, showing existing topography at a contour
17 interval as specified by the Department;

18
19 (9) an acknowledgment that all clearing, grading, construction, and development
20 will be done pursuant to the plan;

21
22 (10) an identification of responsible personnel;

23
24 (11) the use and extent of fills;

25
26 (12) a statement that inspections will be requested as required by § 16-3-302;

27
28 (13) any enclosure of sediment basins or traps required by § 16-3-104;

29
30 (14) the location of the erosion control monitoring device for any piped outfall,
31 sediment trap outfall, sediment basin outfall, or open channel outfalls that serve as a
32 sediment and erosion control feature during construction; and

33
34 (15) a statement in the construction sequence that the construction of the first
35 floor walls of any building or structure may not proceed until the foundation has been
36 backfilled, the disturbed areas have been stabilized and a certificate is provided to the
37 inspector verifying the grades and drainage patterns shown on the approved erosion and
38 sediment control plan have been obtained.

39
40 **(B) Sequence of construction required.** AN EROSION AND SEDIMENT CONTROL PLAN
41 SHALL ALSO INCLUDE A SEQUENCE OF CONSTRUCTION THAT ACCURATELY DESCRIBES
42 THE RELATIONSHIP BETWEEN THE IMPLEMENTATION AND MAINTENANCE OF CONTROLS,
43 INCLUDING PERMANENT AND TEMPORARY STABILIZATION, GRADING UNITS AND THE
44 VARIOUS STAGES OR PHASES OF EARTH DISTURBANCE AND CONSTRUCTION. PROJECTS
45 SHALL BE SEQUENCED AND PHASED SO THAT NO MORE THAN ONE GRADING UNIT IS
46 ALLOWED TO BE DISTURBED AT ANY GIVEN TIME. THE SEQUENCE OF CONSTRUCTION
47 SHALL AT LEAST DESCRIBE:

48
49 (1) REQUESTS FOR A PRE-CONSTRUCTION MEETING WITH THE DEPARTMENT;

50

1 (2) CLEARING AND GRUBBING AS NECESSARY FOR THE INSTALLATION OF
2 PERIMETER CONTROLS;

3
4 (3) CONSTRUCTION AND STABILIZATION OF PERIMETER CONTROLS;

5
6 (4) REMAINING CLEARING AND GRUBBING WITHIN INSTALLED PERIMETER
7 CONTROLS;

8
9 (5) ROAD GRADING;

10
11 (6) GRADING FOR THE REMAINDER OF THE SITE;

12
13 (7) UTILITY INSTALLATION AND CONNECTIONS TO EXISTING STRUCTURES;

14
15 (8) CONSTRUCTION OF BUILDINGS, ROADS, AND OTHER CONSTRUCTION;

16
17 (9) FINAL GRADING, LANDSCAPING, AND STABILIZATION;

18
19 (10) INSTALLATION OF STORMWATER MANAGEMENT MEASURES;

20
21 (11) APPROVAL OF THE DEPARTMENT PRIOR TO REMOVAL OF SEDIMENT
22 CONTROLS; AND

23
24 (12) REMOVAL OF CONTROLS AND STABILIZATION OF AREAS THAT ARE
25 DISTURBED BY REMOVAL OF SEDIMENT CONTROLS.

26
27 (C) **Stabilization measures required.** EROSION AND SEDIMENT CONTROL PLANS
28 SHALL ALSO INCLUDE SPECIFICATIONS FOR TEMPORARY AND PERMANENT
29 STABILIZATION MEASURES. THE STANDARD STABILIZATION NOTE ON THE PLAN SHALL
30 STATE:

31
32 (1) THAT FOLLOWING THE INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE,
33 PERMANENT OR TEMPORARY STABILIZATION MUST BE COMPLETED WITHIN (I) THREE
34 CALENDAR DAYS FOR ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES
35 AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1), AND (II) SEVEN
36 CALENDAR DAYS FOR ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT NOT
37 UNDER ACTIVE GRADING;

38
39 (2) ANY DETAILS FOR AREAS REQUIRING ADVANCED STABILIZATION; AND

40
41 (3) ANY MAINTENANCE REQUIREMENTS AS IDENTIFIED IN THE STANDARDS AND
42 SPECIFICATIONS.

43
44 (D) **Additional requirements.** THE FOLLOWING ADDITIONAL REQUIREMENTS SHALL
45 APPLY TO IMPLEMENTATION OF AN EROSION AND SEDIMENT CONTROL PLAN:

46
47 (1) A DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS AND REQUEST A PRE-
48 CONSTRUCTION MEETING DESCRIBED IN § 16-3-301.

49
50 (2) THE PERMITTEE SHALL INSTALL SEDIMENT CONTROLS AND STABILIZE
51 PERIMETER CONTROLS WITHIN THREE DAYS OF DISTURBANCE AND SHALL OBTAIN FIRST
52 PHASE APPROVAL BY THE EROSION CONTROL INSPECTOR PRIOR TO COMMENCING
53 WORK. THE INSPECTOR MAY REQUIRE THAT AN INSPECTION AND CERTIFICATION OF
54 THE INSTALLATION OF SEDIMENT CONTROLS ALSO BE PERFORMED BY A DESIGN
55 PROFESSIONAL PRIOR TO COMMENCING WORK.

56
57 (3) IF THERE IS TO BE DEMOLITION OF ANY EXISTING STRUCTURES, ALL DEBRIS
58 SHALL BE HAULED TO AN APPROVED SITE.

1
2 (4) ACCESS, TRAVEL LANES, HEAVY USE, LAY DOWN, CONCRETE WASH DOWN,
3 AND STAGING AREAS SHALL REQUIRE ACCELERATED MECHANICAL STABILIZATION.
4

5 (5) STABILIZATION SHALL BE COMPLETED IN SEVEN CALENDAR DAYS ON ALL
6 OTHER DISTURBED OR GRADED AREAS ON THE PROJECT NOT UNDER ACTIVE GRADING.
7 IN THE EVENT OF WET WEATHER, THE SEDIMENT AND EROSION CONTROL INSPECTOR
8 MAY REQUIRE ADDITIONAL SEDIMENT PROTECTION AND STABILIZATION.
9

10 (6) AFTER THE SITE IS STABILIZED AND WITH THE SEDIMENT AND EROSION
11 CONTROL INSPECTOR'S APPROVAL, FRAMING MAY COMMENCE ON THE GROUND FLOOR.
12 DURING BUILDING CONSTRUCTION BEYOND THE GROUND FLOOR, ALL DISTURBED
13 AREAS MUST BE STABILIZED BY THE END OF EACH DAY.
14

15 (7) INSTALLATION OF STORM WATER MANAGEMENT SYSTEMS MAY NOT BE
16 CONDUCTED UNTIL THE UPSTREAM AREAS ARE 95% STABILIZED.
17

18 **16-3-206. Criteria for issuance.**

19 The Department may not issue a grading permit unless:
20
21

22 (1) an erosion and sediment control plan is approved by the Anne Arundel Soil
23 Conservation District IN ACCORDANCE WITH THE COMPREHENSIVE AND INTEGRATED
24 PLAN APPROVAL PROCESS REQUIRED BY THE ENVIRONMENT ARTICLE, § 4-201.1 AND § 4-
25 203, OF THE STATE CODE INCLUDING THE SUBMITTAL OF CONCEPT, SITE DEVELOPMENT
26 AND FINAL PLANS;
27

28 **16-3-209. Revisions.**

29
30 (c) **Minor revisions.** The Department may approve minor revisions to the approved
31 erosion and sediment control plan based on a list of minor revisions approved by the
32 Anne Arundel Soil Conservation District AND THE MARYLAND DEPARTMENT OF THE
33 ENVIRONMENT. To apply for a minor revision, the permittee shall have the design
34 professional responsible for the grading permit plans prepare five sets of the permit plans
35 showing the plan changes in red for review. These plans shall be transmitted to the
36 Department. If approved, the plan sets will be stamped with the date approved and
37 distributed.
38

39 **16-3-303. Inspections.**

40
41 (A) **Plan kept on site.** THE DEVELOPER SHALL MAINTAIN COPIES OF APPROVED
42 EROSION AND SEDIMENT CONTROL PLANS ON SITE.
43

44 (B) **Routine inspection.** EVERY ACTIVE SITE HAVING AN APPROVED EROSION AND
45 SEDIMENT CONTROL PLAN SHALL BE INSPECTED FOR COMPLIANCE WITH THE PLAN ON
46 AVERAGE ONCE EVERY TWO WEEKS.
47

48 (C) **Reports.** A WRITTEN REPORT SHALL BE PREPARED BY THE INSPECTION AGENCY
49 AFTER EVERY ROUTINE INSPECTION. THE REPORT SHALL DESCRIBE:
50

51 (1) THE DATE AND LOCATION OF THE SITE INSPECTION;
52

53 (2) WHETHER THE APPROVED EROSION AND SEDIMENT CONTROL PLAN HAS BEEN
54 PROPERLY IMPLEMENTED AND MAINTAINED;

1
2 (3) PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT CONTROL PLAN
3 DEFICIENCIES;

4
5 (4) IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT ACTION TAKEN; AND
6

7 (5) IF APPLICABLE, A DESCRIPTION OF ANY MODIFICATIONS TO THE EROSION AND
8 SEDIMENT CONTROL PLAN.
9

10 (D) **Notice of violations.** IN ADDITION TO THE REQUIREMENTS OF § 16-5-104, THE
11 INSPECTION AGENCY SHALL NOTIFY THE ON-SITE PERSONNEL OR THE DEVELOPER IN
12 WRITING WHEN VIOLATIONS ARE OBSERVED, DESCRIBING:

13
14 (1) THE NATURE OF THE VIOLATION;

15
16 (2) THE REQUIRED CORRECTIVE ACTION; AND

17
18 (3) THE TIME PERIOD IN WHICH TO HAVE THE VIOLATION CORRECTED.
19

20 **[16-3-306.] 16-3-307. Certificate of completion.**

21
22 The Department shall issue a certificate of completion for a project for which a
23 grading permit is required within 60 days after it receives a written notice of completion
24 of the project if after an inspection the Department finds that the permittee has complied
25 with the provisions of this [title] ARTICLE.
26

27 **16-3-308. Complaints.**

28
29 THE DEPARTMENT SHALL ACCEPT AND INVESTIGATE COMPLAINTS REGARDING
30 EROSION AND SEDIMENT CONTROL CONCERNS FROM ANY INTERESTED PARTIES AND
31 SHALL:

32
33 (1) CONDUCT AN INITIAL INVESTIGATION WITHIN THREE WORKING DAYS FROM
34 RECEIPT OF THE COMPLAINT;

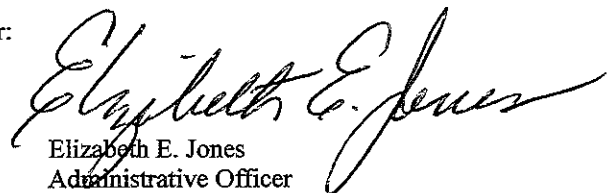
35
36 (2) NOTIFY THE COMPLAINANT OF THE INITIAL INVESTIGATION AND FINDINGS
37 WITHIN SEVEN DAYS FROM RECEIPT OF THE COMPLAINT; AND

38
39 (3) TAKE APPROPRIATE ACTION PURSUANT TO TITLE 5 WHEN VIOLATIONS ARE
40 DISCOVERED DURING THE COURSE OF THE COMPLAINT INVESTIGATION.
41

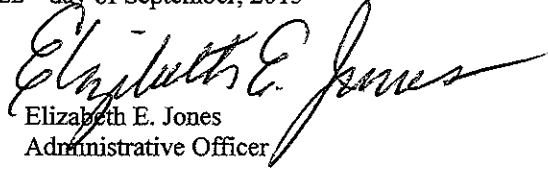
42 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
43 from the date it becomes law.

READ AND PASSED this 21st day of September, 2015


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of September, 2015


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 29th day of September, 2015


Steven R. Schuh
County Executive

EFFECTIVE DATE: November 13, 2015

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
83-15, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer