

NOTICE

Issued by:

Department of Inspections and Permits

Notice #:

IP-20-01

Release Date

01/10/20

Contact:

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Officer

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Erosion and Sediment Control Site Inspections, Reporting and Enforcement Actions

Protection of the environment is fundamental to the quality of life, health and economic vitality of Anne Arundel County residents, and is a foundational tenet of County Executive Steuart Pittman's Administration.

The Department of Inspections and Permits will utilize its authority to the fullest extent under Article 16, Title 3 of the Anne Arundel County Code to monitor construction sites through regular inspections, and by consistently pursuing enforcement actions when violations are identified.

Specific guidance is available on the Department's webpage: <https://www.aacounty.org/departments/inspections-and-permits/>.

This policy is effective January 10, 2020.

For questions regarding this policy, please contact Raghu Badami at 410-222-7790.



Greg Africa
Director



Greg Africa, Director

Memorandum

To: All Environmental Inspections Staff

From: Greg Africa, Director 

Subject: Site Inspections, Reporting and Enforcement Actions

Date: December 4, 2019

Purpose

The purpose of this memo is to provide guidance to inspectors regarding site inspections, reporting, enforcement actions and procedures- to ensure consistency in site inspections and application of approved plan, county standards and regulations.

Background

The Anne Arundel Soil Conservation District approves all erosion and sediment control plans (E&S plan) in the county. I&P inspectors inspect site for compliance with the approved plan.

Site Inspections

At least 48 hours before commencing work, a preconstruction meeting is requested by the contractor/permittee. Work shall not begin until 48 hours after the completion of this meeting. Every active site having an approved E&S plan shall be inspected for compliance with the plan on average once every two weeks. The contractor should keep a copy of the approved E&S plans at all times on-site.

Inspection Procedures - The following shall be noted and followed for site inspections:

1. Inspector shall use the latest inspection checklists (version 10/23/2019) for site inspections. One checklist shall be used for sites with greater than 1 acre of disturbance, and a separate checklist shall be used for sites with less than 1 acre of disturbance.
2. It is imperative that the proper amount of preparation and time is taken to perform a comprehensive site inspection.
3. Inspector shall review all E&S plans with the Supervisor prior to on-site preconstruction meeting with the contractor.
4. A proper inspection starts with an evaluation of the construction sequence with respect to the actual work underway and keeping communication lines open with the contractor.

5. An inspection of the entire perimeter sediment controls and all outfalls shall be performed to ensure compliance with the approved plans and for Phase 1 certification approval. The inspector may require that an inspection and certification of the installation of sediment controls also be performed by a design professional prior to commencing work.
6. The inspector shall inspect the contractor's daily monitoring logs on a periodic basis and specifically the next day after a rainfall event that results in runoff.
7. The inspector shall ensure that site stabilization is provided per the plans and this stabilization is maintained i.e., the site shall be re-stabilized as needed.
8. The inspector shall also inspect weekly monitoring logs of the approved erosion and sediment controls for sites where no construction activities are taking place. Site inspections are also required when asked by a supervisor, when a complaint is received.
9. Grade certification should be reviewed by the Supervisor on all projects.
10. Earth disturbance must be stabilized as soon as possible and as dictated by the approved plan. At a minimum, all disturbed areas that require stabilization are stabilized and restabilized within three calendar days.

Inspection Results

Every active site having an approved E&S plan shall be inspected for compliance with the plan on average once every two weeks using the latest inspection checklists.

1. Every inspection should verify that the approved grading permit plans and E&S plan are properly implemented and maintained, identifies practice deficiencies and E&S plan deficiencies.
2. Inspections should be reported through inspection programs and PIPS including attaching the checklist to the program.
3. If a violation exists, the inspection report shall specify:
 - the nature of the violation;
 - date and location of project;
 - practice deficiencies and, or E&S plan deficiencies;
 - the required corrective action;
 - type of enforcement action recommended (corrective, action, non-compliance notice, stop work order, civil penalties, etc.);
 - if applicable the type of plan revision;
 - the time period in which to have the violation corrected; and
 - document and file notices sent to the inspector and office files.
4. It is also a violation if permittee/developer does not comply with the approved grading permit plans or standard grading plan.

Unauthorized work, non-compliant work and emergency failures

Any work not shown or authorized on the approved grading permit plans is to be immediately stopped. Emergency S&E control measures and stabilization is to be directed by the inspector and review and approval of a plan revision is to be required before any unauthorized or non-compliant work shall be allowed to proceed.

Enforcement Actions

Article 16 grants the Department authority to pursue enforcement actions to correct any violations found through the inspection process. It is the policy of the County to utilize all enforcement measures available to achieve

compliance. All enforcement decisions will consider the gravity of the violation, any willingness or negligence involved in the violation, and the environmental impact of the violation.

Prior to issuing a stop work order and/or fines on a site, the inspector will seek approval through proper management channels (e.g., grading supervisor to Assistant Director). Pursuant to the County Executive's memo dated December 02, 2019 management shall consider immediate stop work orders if any of the following violations are found:

1. it is documented that stormwater runoff was discharged from a site to a storm drain or watercourse without prior Department approval;
2. it is documented that materials or substances other than natural stormwater runoff were spilled, dumped or disposed of in a storm drain or watercourse unless authorized by a valid NPDES permit issued by the State of Maryland;
3. environmental site design planning techniques, treatment practices and structural stormwater measures was altered without prior Department approval;
4. developed woodland or forest were cleared without a grading permit, building permit, buffer or forest management plan, or standard grading plan;
5. it is documented that offsite erosion or sediment deposition has occurred; or
6. grading, disturbance is done outside of the approved limit of disturbance; Start of work without preconstruction meeting;

Additionally, management may pursue civil penalties and/or stop work orders if:

1. work began on the site prior to a preconstruction meeting;
2. the sequence of construction was altered or changed without prior Department approval,; or
3. work, including site stabilization or restabilization, failed to comply with the approved grading plans or standard grading plans.

Inspectors and management will offer flexibility to the violations listed above if it is determined the impacts to environmental resources are minor or temporary in nature. Specifically, flexibility shall be exercised if:

1. the impacts result from construction activity for projects designed to result in a net environmental benefit, including voluntary water quality improvement projects;
2. discolored, but not sediment-laden water is found temporarily exiting the site; or
3. temporary sediment erosion on the site has not resulted in offsite sediment deposition.

Timing and Applicability

This guidance is to be used by all inspectors immediately.

Attachments:

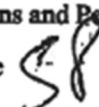
County Executive's memo dated December 02, 2019

Inspections Checklists Version 10/23/2019



STEUART PITTMAN

MEMORANDUM

TO: Greg Africa, Director of Inspections and Permits
FROM: Stuart Pittman, County Executive 
SUBJECT: Enforcing Erosion and Sediment Control Standards to Protect Environmental Resources from the Impacts of Construction Activity
DATE: December 2, 2019

Protection of the environment is vital to the quality of life, health and economic vitality of Anne Arundel County residents, and is a foundational tenant of this Administration.

Article 16, Title 3 of the Anne Arundel County Code sets forth standards for sediment and erosion control on construction sites to ensure protection of environmental resources onsite and offsite. Article 16 also grants the Department of Inspections and Permits authority to regularly inspect construction sites (§§ 16-1-106, 16-3-303) and pursue enforcement actions to correct any violations found through such inspections (§§ 16-3-303(d); 16-5-501; 16-5-502).

This Administration will utilize this authority to its fullest extent by continuing to monitor construction sites through regular inspections, and by consistently pursuing enforcement actions in any manner considered necessary by the Department when violations are found.

Specifically, the Department shall:

1. require a preconstruction meeting with the contractor or permittee at least 48 hours prior to commencing work to review the approved erosion and sediment control plans for the site (§ 16-3-301);
2. utilize the latest inspection checklist provided by the Director;
3. inspect the contractor's daily monitoring log on a periodic basis, and specifically, the next day following a rainfall event that results in documented runoff exiting the site (§ 16-3-103(b) & (c));
4. identify practice or erosion and sediment control plan deficiencies (§ 16-3-303(c)(3)), and order a correction of the practices or plans to address the deficiencies (§ 16-3-303(d));
5. consider the issuance of an immediate stop work order (§ 16-5-103) if:
 - a. it is documented that stormwater runoff was discharged from a site to a storm drain or watercourse without prior Department approval (§ 16-5-101(a)(5));

- b. it is documented that materials or substances other than natural stormwater runoff were spilled, dumped or disposed of in a stormdrain or watercourse unless authorized by a valid NPDES permit issued by the State of Maryland (§ 16-5-101(a)(6));
 - c. environmental site design planning techniques, treatment practices and structural stormwater measures was altered without prior Department approval (§ 16-5-101(a)(7));
 - d. developed woodland or forest were cleared without a grading permit, building permit, buffer or forest management plan, or standard grading plan (§ 16-5-101(a)(10));
 - e. it is documented that offsite erosion or sediment deposition has occurred (§16-5-101(a)(11)); or
 - f. grading, disturbance is done outside of the approved limit of disturbance (§ 16-5-101(a)(12));
6. issue notices to correct and mitigate any violations within a timeframe approved by the Director (§ 16-5-104); and
 7. issue notices that failure to correct or mitigate any violations within the approved timeframe will result in additional enforcement actions, including, but not limited to fines, as assessed by the Director pursuant to the County Code until the violations are cleared (§§ 16-5-104, 16-5-105).

Additionally, the Department may pursue enforcement actions if:

1. work began on the site prior to a preconstruction meeting (§ 16-3-301);
2. the sequence of construction was altered or changed without prior Department approval (§§ 16-3-204(b), 16-5-101(1)); or
3. work failed to comply with the approved grading plans or standard grading plans (§§ 16-3-303(c)).

All enforcement decisions shall consider the gravity of the violation, any willfulness or negligence involved in the violation, and the environmental impact of the violation (§ 16-5-105(b)(4)). Flexibility in all enforcement decisions shall be exercised if the Department determines the impacts to environmental resources are minor or temporary in nature (§ 16-5-105(b)(4)(i)). Specifically, flexibility shall be exercised when:

1. the impacts result from construction activity for projects designed to result in a net environmental benefit, including voluntary water quality improvement projects;
2. discolored, but not sediment-laden water is found temporarily exiting the site; or
3. temporary sediment erosion on the site has not resulted in offsite sediment deposition (§ 16-5-105(b)(4)).

Thank you for your continued efforts making Anne Arundel County "The Best Place."



**ANNE ARUNDEL COUNTY INSPECTIONS & PERMITS
EROSION AND SEDIMENT CONTROL PROGRAM REVIEW
SITE INSPECTION CHECKLIST *Version 10/23/2019***

SITES GREATER THAN (>) 1.0 ACRE OF DISTURBANCE

Date of Inspection: Permit # Permit Issued Date:
Tax Account #
Date of Last Inspection: Status:
AACo. Inspector: Subdivision:
Plan Approval Date by SCD: Disturbed Area Allowed (Acres):

SITE INFORMATION

Address:
City: State: Zip Code:

Permittee Information / Contact: Phone Number:
Full Name:
Physical Address: Cannot be the same as site address
Mailing Address: Cannot be the same as site address
City: State: Zip Code:
Email Address:

Type of Project: Residential Commercial Industrial Mix-Use Capital
 Other

STATUS OF SITE

In-Compliance Non-Compliance *if Non-Compliant, Correct by:* *Re-inspection on:*

Status of Site / Notes:

If Non-Compliance Enforcement Action Taken **Civil Penalties Issued**

In general, is the two week inspection frequency being met? Yes No
 What enforcement action(s) have been used? Inspection Report Violation Stop Work Order Fine
 Have proper enforcement actions been taken for past violations? Is the site currently in compliance with the approved plan? Yes No N/A Other
 Yes No

Title 5 - 16-5-101. Violations.

It is a violation of this article to:

(11) create a source of offsite erosion or sediment deposition; or

Violation Notes (if more than one violation, list additional violations below):

STAGE OF PROJECT CONSTRUCTION

- Pre-Construction Meeting Installation of E&S Controls Phase 1 Sediment Control Inspection
- Clearing of Site 20 acres LOD staked Rough grading Roads and Utilities Installation
- Roads Base Paved Vertical Building Construction Approved Finished Grading Storm
Water Management Construction Final Stabilization Other

Project Construction Notes:

GENERAL SITE CONDITION

- Does the approved plan appear to be providing adequate Erosion & Sediment Control?* Yes No See notes
- Has the site inspector made minor field modifications? Yes No See notes
- Has the site inspector requested revisions? Yes No See notes
- Formal (thru Permit Center) Yes No See notes
- Red Lined (thru department only) Yes No See notes
- Is the site in compliance with the sequence of construction Yes No See notes
- Is the site in compliance with the approved plan Yes No See notes

General Site Notes:

GRADING

Benching

Serrated Slope

Is 20 acre rule being followed?

Yes No N/A

Comments/Actions Needed:

Engineer certification received where needed?

Yes No N/A

Comments/Actions Needed:

Are grading practices adequately installed and maintained?

Yes No N/A

Comments/Actions Needed:

Grading Notes:

STABILIZATION

SCE/With Wash Rack

Temporary Stabilization

Incremental Stabilization

Permanent Stabilization

Seeding and Mulching

Soil Stabilization Matting

Heavy Use Area Protection

Stockpile Area

Soil Preparation/Topsailing

Other

Are stabilization practices adequately installed and maintained? Yes No N/A

Comments/Actions Needed:

Are all disturbed areas that have been inactive for 3-7 days or more properly stabilized? (Stockpiles, Slopes, etc.)

Yes No N/A

Comments/Actions Needed:

If vertical construction; is stabilization being maintained on a daily basis?

Yes No N/A

Comments/Actions Needed:

Stabilization Notes:

WATER CONVEYANCE

Earth Dike

Temporary Swale

Clear Water Diversion Pipe

Temporary Storm Drain Diversion

Diversion Fence

Other

N/A

Are water conveyance practices adequately installed and maintained?

Yes No N/A

Comments/Actions Needed:

Water Conveyance Notes:

EROSION CONTROL

Stone Check Dam

Outlet Protection

Rip Rap Inflow Protection

- Pipe Slope Drain
- Gabion Inflow Protection
- Other

Are erosion control practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Erosion Control Notes:

FILTERING

- Reinforced Silt Fence
- Silt Fence on Pavement
- Super Silt Fence
- Filter Berm
- Temporary Stone Outlet Structure
- Temporary Gabion Outlet Structure
- Storm Drain Inlet Protection
- Filter Log
- Other

Are filtering practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Filtering Notes:

DEWATERING

- Sump Pit
- Filter Bag
- Removable Pumping Station
- Portable Sediment Tank
- Other
- N/A

Are dewatering practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Dewatering Notes:

SEDIMENT TRAPPING

- Sediment Basin(s)
- Pipe-Outlet Sediment Trap(s)
- Rip Rap Outlet Sediment Trap(s)
- Stone/Rip Rap Outlet Sediment Trap(s)
- N/A

__ # Sediment Basin(s) __ # Pipe-Outlet Sediment Trap(s) __ # Rip Rap Outlet Sediment Trap(s)
 __ # Stone/Rip Rap Outlet Sediment Trap(s)

Are sediment trapping practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Sediment Trapping Notes:

OFFSITE IMPACT

Is there evidence of work outside the limits (LOD) of the approved plan? Yes No N/A
 Are there offsite impacts or the potential to pollute? Yes No N/A
 Comments/Actions Needed:

Offsite Enforcement Notes:

PHOTO DOCUMENTATION *If yes, attach to this report.*

Yes No N/A

REPORT NOTES:

FOLLOW-UP ACTIONS:



**ANNE ARUNDEL COUNTY INSPECTIONS & PERMITS
EROSION AND SEDIMENT CONTROL PROGRAM REVIEW
SITE INSPECTION CHECKLIST *Version 10/23/2019***

SITES LESS THAN (<) 1.0 ACRE OF DISTURBANCE

Date of Inspection: Permit # Permit Issued Date:
Tax Account #
Date of Last Inspection: Status:
AACo. Inspector: Subdivision:
Plan Approval Date by SCD: Disturbed Area Allowed (Acres):

SITE INFORMATION

Address:
City: State: Zip Code:

Permittee Information / Contact: Phone Number:
Full Name:
Physical Address: Cannot be the same as site address
Mailing Address: Cannot be the same as site address
City: State: Zip Code:
Email Address:

Type of Project: Residential Commercial Industrial Mix-Use Capital
 Other

STATUS OF SITE

In-Compliance Non-Compliance *if Non-Compliant, Correct by:* *Re-inspection on:*

Status of Site / Notes:

If Non-Compliance Enforcement Action Taken Civil Penalties Issued

In general, is the two week inspection frequency being met? Yes No
What enforcement action(s) have been used? Inspection Report Violation Stop Work Order Fine
Have proper enforcement actions been taken for past violations? Is the site currently in compliance with the approved plan? Yes No N/A Other
 Yes No

Title 5 - 16-5-101. Violations.

It is a violation of this article to:

(11) create a source of offsite erosion or sediment deposition; or

Violation Notes (if more than one violation, list additional violations below):

STAGE OF PROJECT CONSTRUCTION

- Pre-Construction Meeting Installation of E&S Controls Phase 1 Sediment Control Inspection
- Clearing of Site Vertical Building Construction Approved Finished Grading Storm Water Management Construction Final Stabilization Other

Project Construction Notes:

GENERAL SITE CONDITION

- Does the approved plan appear to be providing adequate Erosion & Sediment Control?* Yes No See notes
- Has the site inspector made minor field modifications? Yes No See notes
- Has the site inspector requested revisions? Yes No See notes
- Formal (thru Permit Center) Yes No See notes
- Red Lined (thru department only) Yes No See notes
- Is the site in compliance with the sequence of construction Yes No See notes
- Is the site in compliance with the approved plan Yes No See notes

General Site Notes:

GRADING

Engineer certification received where needed?

Yes No N/A

Comments/Actions Needed:

Are grading practices adequately installed and maintained?

Yes No N/A

Comments/Actions Needed:

Grading Notes:

STABILIZATION

Permanent Stabilization

Temporary Stabilization

Soil Stabilization Matting

Stockpile Area

Seeding and Mulching

Soil Preparation/Topsoiling

Other

Are stabilization practices adequately installed and maintained? Yes No N/A

Comments/Actions Needed:

Are all disturbed areas that have been inactive for 3-7 days or more properly stabilized? (Stockpiles, Slopes, etc.)

Yes No N/A

Comments/Actions Needed:

If vertical construction; is stabilization being maintained on a daily basis?

Yes No N/A

Comments/Actions Needed:

Stabilization Notes:

Stone Check Dam

Outlet Protection

Rip Rap Inflow Protection

- Pipe Slope Drain
- Gabion Inflow Protection
- Other

Are erosion control practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Erosion Control Notes:

FILTERING

- Reinforced Silt Fence
- Silt Fence on Pavement
- Super Silt Fence
- Filter Berm
- Temporary Stone Outlet Structure
- Temporary Gabion Outlet Structure
- Storm Drain Inlet Protection
- Filter Log
- Other

Are filtering practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Filtering Notes:

DEWATERING

- Sump Pit
- Filter Bag
- Removable Pumping Station
- Portable Sediment Tank
- Other
- N/A

Are dewatering practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Dewatering Notes:

SEDIMENT TRAPPING

- Sediment Basin(s)
- Pipe-Outlet Sediment Trap(s)
- Rip Rap Outlet Sediment Trap(s)
- Stone/Rip Rap Outlet Sediment Trap(s)
- N/A

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 __ # Stone/Rip Rap Outlet Sediment Trap(s)

Are sediment trapping practices adequately installed and maintained? Yes No N/A
 Comments/Actions Needed:

Sediment Trapping Notes:

OFFSITE IMPACT

Is there evidence of work outside the limits (LOD) of the approved plan? Yes No N/A
 Are there offsite impacts or the potential to pollute? Yes No N/A
 Comments/Actions Needed:

Offsite Enforcement Notes:

PHOTO DOCUMENTATION *if yes, attach to this report.*

Yes No N/A

REPORT NOTES:

FOLLOW-UP ACTIONS: