



Greg Africa, Director

Memorandum

To: MBIA, Review Agencies and the General Public

From: Greg Africa, Director, Inspections and Permits

Subject: Stabilization of Construction Sites in the Event of Wet Weather and Enforcement of Violations

Date: November 17, 2020

Background

The Anne Arundel County Soil Conservation District approves all erosion and sediment control plans (E&S plan) for applicable construction sites across Anne Arundel County. Inspectors from the Department of Inspections and Permits inspect construction sites for compliance with these approved plans and Article 16, Title 3 of the County Code.

It is a violation of County Code to create a source of offsite erosion or sediment deposition. To avoid such erosion and sediment deposition, E&S plans and the County Code (§ 16-3-204(c)) require temporary and permanent stabilization of certain areas of construction sites using methods described within the [2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control](#). Additionally, per § 16-3-204(d)(5) of the County Code inspectors may require additional stabilization and erosion control methods in advance of wet weather.

Purpose

The Department desires to protect adjacent property owners, streams and the Chesapeake Bay from sediment eroding from construction sites, and desires for developers and contractors to succeed in complying with State and County erosion and sediment control laws and regulations. One of the best ways to reduce erosion potential on a construction site is to establish and maintain vegetation. The purpose of this memo is to provide notice that:

- 1) the Department intends to strictly enforce § 16-5-101(11) of the County Code which prohibits creating a source of offsite erosion or sediment deposition;
- 2) inspectors may require additional stabilization and erosion control methods in advance of wet weather per § 16-3-204(d)(5) of the County Code; and
- 3) the Department encourages permittees/contractors to implement additional, voluntary stabilization and erosion control methods as necessary in order to avoid violations of the County Code.

Vegetative and Other Stabilization Methods

The purpose of vegetative stabilization is to promote the establishment of vegetation on exposed soil. There are several ways in which vegetation protects soil from erosive forces of rainfall. Vegetation shields the soil surface from the impact of raindrops while the root mass holds soil particles in place. Vegetation filters sediment, slows the velocity of runoff, and helps maintain the infiltration capacity of a soil. Establishing and maintaining vegetation are the most important factors in combating erosion. The goal is to expose as small an area as possible for the shortest length of time. By minimizing the time and extent of soil exposure, the erosion potential is reduced.

Stabilization shall be completed within seven calendar days on all disturbed or graded areas on the project not under active grading (§ 16-3-204(c)). Per 2011 standards, vegetative stabilization is divided into the following implementation categories:

- 1) Incremental stabilization;
- 2) Soil preparation, soil amendments and top soiling;
- 3) Seeding and mulching;
- 4) Temporary stabilization; and
- 5) Permanent stabilization.

Wet Weather Stabilization

In the event of cooler weather, temporary and permanent stabilization methods should be based on selected mixture(s), application rates, and seeding dates from the 2011 standards. Mulch alone may be applied between the fall and spring seeding dates only if the ground is frozen. The appropriate seeding mixture must be applied when the ground thaws.

While these standards only apply to areas that are not under active grading, it is well known that actively graded areas, especially on smaller sites with limited sediment trapping controls, can be a significant source of offsite deposition of sediment during wet weather.

For this reason, in the event of wet weather, an inspector may require additional sediment protection and stabilization, including but not limited to, mulching as authorized by § 16-3-204(d)(5) of the County Code. Upon request, the permittee/contractor shall provide contractor's daily monitoring logs to the inspector on a periodic basis and specifically the next day after a rainfall event that results in runoff.

Even in the absence of an inspector requiring additional sediment protection and stabilization measures, permittees and contractors are encouraged to understand their site's characteristics and implement additional measures, such as mulching, as necessary to prevent offsite erosion or deposition of sediment. All applicable State permit requirements must also be met.

Enforcement Actions

The Department intends to strictly enforce any violations of § 16-5-101(11) of the County Code which prohibits creating a source of offsite erosion or sediment deposition. Additionally, in an effort to prevent environmental damage to the Chesapeake Bay and its tributaries, the Department shall prioritize enforcement actions on sites that discharge directly to non-tidal or tidal waters. It is the policy of the County to utilize all enforcement measures available to achieve compliance.

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.

Timing

This memo is effective immediately.