


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."