



Greg Africa, Director

Memorandum

To: All Environmental Inspections Staff
From: Greg Africa, Director *Greg Africa*
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