



Maryland

Department of the Environment

Wes Moore, Governor
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Suzanne E. Dorsey, Deputy Secretary

February 21, 2025

Mr. Raghavendra Badami, P.E., Assistant Director
Inspections and Permits Department
Anne Arundel County
2664 Riva Road, MS6201
Annapolis, MD 21401

Dear Mr. Badami:

The Maryland Department of the Environment, Water and Science Administration (Department) has completed a review of the Anne Arundel County (County) application for continued delegation of erosion and sediment control (E&S) enforcement authority in accordance with State law and regulation. As part of this evaluation, the Department assessed the County's compliance with the E&S program required by the County's national pollutant discharge elimination system (NPDES) municipal separate storm sewer system (MS4) permit (20-DP-3316, MD0068306). I would like to thank you and your staff for your assistance during the review process.

On September 6, 2024, the County submitted an application to the Department for the renewal of delegated enforcement authority, with supporting materials for eight active construction sites totaling 116 acres of earth disturbance. The attached review focused on inspection and enforcement actions and procedures to ensure proper implementation and maintenance. While the program was found to be organized and effective at achieving compliance at sites, the Department recommends that the County reference the recently issued guidance titled "Guidance Document on Generating Quality Inspection Reports for Erosion and Sediment Control" (April 2024) as inconsistencies were found regarding communication of site compliance status in inspection reports. The County has committed to making program changes to address the issues noted here.

Based upon the review of the County's program, and with the understanding that the issues herein will be addressed, the Department grants your request for continued delegation of erosion and sediment control enforcement authority. This delegation of authority is effective through June 30, 2027. Based on the Department's review, the County remains in compliance with NPDES MS4 permit requirements to implement and maintain an acceptable erosion and sediment control program.

Effective erosion and sediment control is fundamental to protect local streams and restore Chesapeake Bay, and I thank you and your staff for your efforts. If you have any questions, please call me at (410) 537-3533, or have a member of your staff contact Ms. Michelle Crawford, Sediment and Stormwater Program Review Division at (410) 537-3547 or Michelle.Crawford1@Maryland.gov.

Sincerely,

Deborah J. Cappuccitti, Acting Chief
Stormwater Program Review Division
Stormwater, Dam Safety, and Flood Management Program

cc: David Scheler, Anne Arundel Soil Conservation District
Erik Michelsen, Anne Arundel County

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
EROSION AND SEDIMENT CONTROL
PROGRAM EVALUATION**

Jurisdiction: Anne Arundel County

Review Dates: December 2024 (Desktop Review)

Ordinance

Reference Citation: Anne Arundel County Code, Article 16, Floodplain Management, Erosion and Sediment Control, and Stormwater Management

First Adopted by Jurisdiction: 1985

State Approval Issued: March 11, 1985

Most Recent Modification: October 5, 2020 - Article 16 amended to reflect three-year plan approval

Current Status: Acceptable

Procedures

Description: Currently, Anne Arundel County's inspection and enforcement procedures are consistent with the Code of Maryland Regulations (COMAR) 26.17.01.

Total Inspections Performed: 10,640 (annual average based on FY23 and FY24 data)

Violation Notices Issued: 1,200

Stop Work Orders Issued: 277

Amount of Fines or Bonds Collected: \$20,525

Court Cases: 25

Comments: Procedurally, Anne Arundel County should be able to administer an effective erosion and sediment control program.

Workload (annual average based on FY23 and FY24 data)

Permits Issued: Major: 405 (421 acres) Minor: 210 (22 acres)
Permits Active: Major: 940 (1,548 acres) Minor: 145 (14 acres)

Staff Size: Supervisory Staff: 2
Inspection Staff: 12
Administrative Support: 1

Current Status: The County's Department of Inspections and Permits staff conduct erosion and sediment control inspections and enforcement.

Comments: The County administers an acceptable erosion and sediment control program. However, it is recommended that the County standardize how site compliance status is communicated in inspection reports as inconsistencies were found during review.

Enforcement

Number of Sites Reviewed: 8

Sites Reviewed:

1. AACO Police Training Academy: Capital project; SCD approval date 9-13-22; Disturbed area 2.44 acres.
2. Estuary at Two Rivers (Ph. I): Residential project; SCD approval date 10-31-22; Disturbed area 64.8 acres.
3. Dorsey Run Logistics Center: Commercial project; SCD approval date 6-20-24; Disturbed area 17.6 acres.
4. Bonaventure, Lot 7A: Residential project; SCD approval date 9-28-23; Disturbed area: 0.14 acres.
5. Copperleaf: Residential project; SCD approval date 10-23-23; Disturbed area 28.8 acres.
6. William G. Williams, Lot 10: Residential project; SCD approval date 9-6-23; Disturbed area 0.22 acres.
7. Old Admirals Walk: Residential project; SCD approval date 3-13-24; Disturbed area 0.9 acres.
8. Dash-In Store #1505: Commercial project; SCD approval date 4-24-24; Disturbed area 1.48 acres.

Provided Documentation:

- Inspection Reports (April - September 2024 for a 4-5 week period during project construction)
- Approved Erosion & Sediment Control Plans
- Photos

Programmatic Comments:

After reviewing the documentation, the Department determined the County's program identified specific issues that need correction or maintenance, took enforcement action to ensure the issues were corrected within an appropriate time frame, and fully documented corrective actions. However, the Department identified issues within the County's program that require attention. Details are below:

- Overall, compliance was successfully achieved at each site. Inspection reports detailed observed issues, corrections required, and in most cases, a specific compliance date. When issues were noted, inspection reports clearly documented maintenance needs and appropriate enforcement actions were taken to bring sites back into compliance.
- Based on the provided reports, inspections are conducted an average of every 1-2 weeks, with occasional longer periods between inspections.
- With most reports, photographs detailing observed and corrected deficiencies were included. Photos contained stamped location, date and time data. The Department commends the County for taking this step and recommends the continuation of this procedure as it ensures that enforcement actions continue to be well-documented.
- The previous delegation review of the County's program in 2022 noted that documentation inconsistencies were observed in the County's inspection reports. This review found that many of these report inconsistencies remain an issue. For example:
 - There were instances where the body of the report clearly indicated that the site was in noncompliance and detailed issues requiring corrective action, along with a

compliance date, but “YES” was indicated under “*Is the site in compliance with the current approved grading plans, the permit and AACO Code Article 16.*”

Other conflicting information regarding site compliance between the checklist portion of the report and the report body was also noted. This was observed with the following sites: AACO Police Training Academy, Estuary at Two Rivers, Bonaventure Lot 7A, Copperleaf.

- The Department recommends that the County reference the recently issued State guidance titled “Guidance Document on Generating Quality Inspection Reports for Erosion and Sediment Control (April 2024)” and coordinate among inspectors to develop a consistent reporting format. Consistent and accurate documentation is critical when enforcement actions are required or legal proceedings arise. This document is attached to this review and can be accessed at the following location:

<https://mde.maryland.gov/programs/water/StormwaterManagementProgram/Documents/MDE%20Guidance%20Inspection%20Reports%20May%202024.pdf>

- The County has committed to making changes to the program to help address the issues noted here.
- Sediment tracking on nearby roadways was cited as an issue in one of the inspection reports for Old Admirals Walk. To minimize this issue, the Department recommends that roadways be swept on a daily basis as was done at Dash In and Dorsey Run, and immediately following any events resulting in significant accumulation (i.e., clumps) of sediment tracked onto the roadway.
- At the Department’s request, the County submitted the most recent signed version of the local list of Major and Minor Modifications to Erosion and Sediment Control Plans, dated February 17, 2021. The Department will provide comments on this document separately.



Guidance for Soil Erosion and Sediment Control Inspection Reports

Creating, Filing, and Sharing Documents

Water and Science Administration

Stormwater, Dam Safety, and Flood Management Program

May 2024

The Maryland Department of the Environment (the Department) has developed the following guidance to ensure the quality of inspection reports is maintained as effective documentation of site conditions. Inspection reports are an official public record of an inspector's observations and serve as direction for compliance where needed. Therefore, reports must be clear, legible, and interpretable from the perspective of a third-party reader who might not be familiar with the specific site in question. This information is critical regardless of the methods used for file management and should be incorporated into any management program used for creating, filing, and sharing reports and other site documentation. This guidance document outlines the minimum level of documentation required by Maryland law and regulations, as well as presents recommendations to create reports that offer a clear view and understanding of the inspector's observations.

Minimum Requirements in Inspection Reports for Soil Erosion and Sediment Control

The Code of Maryland Regulations (COMAR) 26.17.01.09.E. specifies the minimum requirements for inspection report content and procedures for notifying the appropriate persons of their findings:

“When conducting an inspection, the appropriate enforcement authority shall:...

(3) Prepare a written inspection report that includes:

- (a) The date and location of this site inspection;*
- (b) Whether the approved plan has been properly implemented and maintained;*
- (c) Practice deficiencies or erosion and sediment control plan deficiencies;*
- (d) If a violation exists, the type of enforcement action taken; and*
- (e) If applicable, a description of minor or major modifications as described in this regulation; and*

(4) Notify the on-site personnel and the owner/developer in writing when violations are observed, describing the:

- (a) Nature of the violation;*
- (b) Required corrective action; and*
- (c) Time period in which to have the violation corrected.”*

Key Components of an Inspection Report

The Department recommends including the following information in all inspection reports to provide a clear understanding of site conditions, issues in need of correction, and required follow-up actions needed to bring the site into compliance with Maryland laws, regulations, and the approved erosion and sediment control plan.

General Site Information

- Project name and number
- Project location (as specific as possible so that anyone with a GPS can locate the site)
- Name and contact information of Operator who is responsible for the project
- Date and time of inspection
- Inspector name and contact information (for example, phone number or email)
- Weather conditions
- Date of last rainfall and estimated precipitation amount

Scope of Inspection

- Describe any relevant site activities observed.
- For each sediment control practice inspected, is it in acceptable or unacceptable condition, is it installed according to the approved plan, and is it providing adequate control? If unacceptable, provide a clear description of the issue. If acceptable, document as such.
- Photos are a great tool and resource. Local programs are encouraged to include representative photos in all inspection reports.

Corrections and Repairs

- Clearly describe any maintenance, repairs, and compliance actions required.
- Provide a clear date and timeframe by which maintenance or repairs should be made. Deadlines should be based on the severity of the issue and what is realistic (not “convenient”) for both the inspector and the responsible personnel at the site. Refer to the *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control* for guidance on appropriate deadlines for maintaining controls.
- The Department expects the inspector will reassess the issues identified within the timeframe or deadline identified in the inspection document. For more serious violations or when there is potential for sediment discharges because of impending rain events, shorter inspection frequencies are advised. Progressive enforcement should be applied if the issue is not corrected, and any step in the enforcement process may be taken at any time, depending upon the severity of the violation (per COMAR 26.17.01.09 (I)(4)).
- Clearly identify all persons advised of needed actions, and how those individuals were advised (phone, email, direct conversation, etc.). As a reminder, a person trained in the Responsible Personnel Certification course should be on site during active construction activity, or at a minimum, must be easily reachable and available to arrive on site upon request. If the inspector is unable to communicate with an appropriate person to sign as having received the inspection report, that should be noted on the report.

- Fully document any previously directed maintenance or repair issues that have been resolved by the requested date, any issues that have not been resolved, and any additional compliance assistance provided or enforcement measures taken.
- If rain is in the forecast, the report should document that the onsite operators were instructed to prepare the site to minimize discharges.

Summary of Inspection

- Provide a brief description of events during the inspection that have not been addressed elsewhere in the report.
- Identify with whom the inspector spoke on site about the issues, and what agency or entity they represent.
- Include the inspector's signature and date.
- Include the recipient's signature and title, along with additional contact information if different from the header data.

Photographs

Photographs of violations or other issues, both good and bad, are crucial in adding context and depth to any report. While jurisdictions are not required to incorporate photo documentation into inspection reports, the wide availability of digital imaging devices (cameras, phones, tablets) easily allows for visual documentation and adds significant value to any report. Local programs are highly encouraged to incorporate representative photos into all inspection reports.

Conclusions: Keeping in Mind the Intent and Purpose of an Inspection Report

Local programs are free to adopt any format desired for field inspection reports, whether it is a series of checkboxes or freeform writing, as long as all necessary information can be presented within that format. "Proprietary" reporting software packages may limit or confine the inspector to various binary choices, which can lead to contradictory reports or a lack of clarity. Some automated report software might also include additional information that does not relate to the erosion and sediment controls inspected. Regardless of the software or format used, answering the following questions within a report can help in tracking and resolving issues and preventing them from reoccurring:

- **Who?** With whom did the inspector talk? Who was the contractor, subcontractor, etc.? Specify who is responsible for implementing and maintaining sediment and erosion controls on site as noted in the standard grading plan, Soil Conservation District (SCD) approved grading permit, Stormwater Pollution Prevention Plan (SWPPP), or other related documents.
- **What?** What was discussed? What did the inspector observe? What activities were going on? What were the issues, if any?
- **When?** When did these events occur? When are corrections required to be completed?
- **Where?** Where did these events occur? What part of the site? What phase, section, lot, etc.? Include feature identifications from the site plans, when available (for example, Outfall 003 or sediment basin 10).

- **Why?** Why were any violations recorded, i.e., what was the root cause? Why wasn't a previously identified issue fixed?

Electronic Filing Recommendations

The Department recognizes that the majority of local programs are transitioning to electronic file management systems for various aspects of its documentation, including creating, filing, and sharing reports and plans. Regardless of the format of the report (electronic or hard copy) the report must be:

- In a format that can be read in a similar manner as a paper record;
- Legally dependable with no less evidentiary value than their paper equivalent (including signatures); and
- Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Access and Distribution

As noted above, inspection reports are considered public documents of record and must be made available upon request by the State of Maryland, the local jurisdiction, a court of law, or the public, etc. within a reasonable amount of time and in an interpretable format. Inspection reports are the official record, and as such are legal documents required by State law and regulation. Local programs must be able to produce "stand-alone" copies of reports upon request by the Department within 24-48 hours. The inability to produce reports in an admissible, clear, and concise format within an acceptable amount of time may hinder the inspector's enforcement actions, interfere with any ongoing litigation related to the site in question, and potentially impact the program's renewal of delegated authority.

The Department recommends maintaining records for at least three years to be consistent with requirements under the Maryland General Permit for Discharges of Stormwater Associated with Construction Activity and National Pollutant Discharge Elimination System permits for regulated municipal separate storm sewer systems (NPDES MS4).