

Appendix D2 - Management Programs (Erosion Sediment Control)



Maryland

Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

February 21, 2025

Joseph J. Siemek, P.E., Director
Department of Public Works
Harford County
212 South Bond Street, 3rd floor
Bel Air, MD 21014

Dear Mr. Siemek:

The Maryland Department of the Environment, Water and Science Administration (Department), has completed a review of the Harford County (County) application for continued delegation of erosion and sediment control enforcement authority in accordance with State law and regulation. As part of this evaluation, the Department assessed the County's compliance with the erosion and sediment control program required by the County's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit (20-DP-3310, MD0068268). I would like to thank you and your staff for your assistance during the review process.

During the Department's visit, County inspectors were able to identify sediment control issues and were generally diligent in following up. Inspection reports were detailed and well documented, clearly describing necessary corrective actions and dates for compliance. The Department also observed a strong working relationship between the County and the Harford Soil Conservation District (SCD) in which regular communication was maintained and the SCD has assisted in training County inspectors.

However, the Department has serious concerns with the following aspects of the County program based on this review:

- Despite some improvements made to the County's program since past reviews, the County is deficient in applying progressive enforcement at multiple sites, resulting in offsite sediment discharges while site controls remained out of compliance for unacceptable amounts of time. The County has previously updated Standard Operating Procedures that demonstrate a process of progressive enforcement is in place based on the Department's comments during the 2022 review. In 2024, the County also amended the local code via County Bill 24-011 to re-establish the 20-acre grading unit limit on disturbed areas and double the dollar value of fines that can be applied for violations. While the Department commends and endorses these actions, the County's enforcement procedures have not been consistently applied in the following instances:
 - 2551 Urey Road: The County submitted inspection documentation pertaining to this site for the Department's review. A Stop Work Order was issued on June 25, 2024, due to operating without a grading permit and sediment laden discharges to neighboring properties. A Stop Work Order was issued five additional times in July through August; however, as of the end of August the site had not been brought into compliance and no other enforcement actions were taken.

- Magnolia Woods: Inspection reports in Fall 2024 documented challenges with achieving site stabilization but provided no specific direction to obtain compliance other than monitoring for further erosion.
- Joppa Crossing: Progressive enforcement was not applied to achieve site stabilization. The County inspector asked for stabilization and repairs to other controls in several areas, during June and July via correction notices and warnings of a Stop Work Order if corrective actions were not taken. However, while the inspector gave instructions for proper stabilization in the July 9 report, i.e., 95% vegetation, as of the October 17 field visit with the Department the site had not attained this level of compliance.
- Bel Air Village: The site has been inactive for a period of roughly two years but has not yet met the minimum standards for temporary stabilization. The site was placed under a Stop Work Order on June 7, 2024, due to lack of stabilization throughout the site that has led to erosion channels and undercutting of controls that convey and store runoff. Stop Work Orders were issued five additional times in June through August and one report noted an offsite discharge to an adjacent property. The July reports indicate that the County was working with the owner and contractor to develop a plan for stabilization based on drought conditions, and the second notice of pending civil penalties on October 31 listed recommended corrective actions. As of the date of the Department's October 17 visit, the site had still not obtained compliance. The Department encourages all local jurisdictions to work with violators in implementing an effective site plan. However, the County is reminded that regardless of weather or site related challenges, the requirements of the approved plan and the standards within the *Maryland 2011 Standards and Specifications for Soil Erosion and Sediment Control* (2011 Standards and Specifications) must be met. Furthermore, the County as the delegated enforcement authority is responsible for ensuring compliance is attained, utilizing progressive enforcement as necessary.
- Ridgely's Reserve: The previous review found that repeated and significant off-site sediment discharges to local waters occurred during 2022 through 2024 while work was allowed to continue. The County required additional site controls including skimmers and flocculants. The County code was updated following significant impacts to local waters: in June 2024, the 20-acre grading unit limit was reinstated in the County sediment control code and fine limits were increased. As of this review, large areas of the site remain without adequate stabilization. Although the County initiated policy updates in response, the Department is concerned over the delays in pursuing progressive enforcement until after serious off-site impacts occurred.
- The Department advises that if inspection staff observe that the approved plan is not able to provide effective control, the plan must be revised. Under COMAR 26.17.01.09, the enforcement authority may require modifications to approved plans. The County inspector should confirm during stripping/grubbing operations that soil conditions are sufficient to achieve stabilization. If there is insufficient topsoil or the exposed soils will present a significant potential to pollute based on their characteristics, the inspector should require an updated plan for temporary and permanent stabilization.
 - On all four visited sites, the approved erosion and sediment control plans did not account for site conditions to provide effective controls. Adequate stabilization was not achievable because existing soil characteristics were not confirmed: the clayey soils cannot be captured by the filtering and sediment trapping controls called for on the plans, soils were not analyzed to ensure they were capable of supporting vegetation, and there was a lack of organic topsoil needed to grow vegetation to stabilize the sites. Because of ongoing, insufficient

- stabilization, there was a greater potential for sediment laden discharges, and discharges had already occurred at three sites.
- For all four visited sites, conditions were assumed based on a data source such as the Natural Resources Conservation Service (NRCS) soil maps. This data was generated several decades ago and may not be consistent with current conditions. The Department strongly recommends that the County require site soil conditions be field verified prior to plan generation to ensure the controls will be effective. This should include a thorough topsoil survey at a minimum to verify the quantity and quality of available topsoil needed for effective stabilization.
 - The County has reinstated the 20-acre grading unit to prevent this situation on future sites. The Department commends this revision and concurs that effective control of fine grained clayey soils is best obtained by limiting exposure to rainfall/runoff and prompt stabilization techniques that are suited to the soils.
 - Plan revision was initiated at Ridgely's Reserve only after significant environmental impacts occurred. The plan should have been modified much earlier in the construction sequence to avoid the significant offsite impacts that occurred. Similarly, at Bel Air Village an interim stabilization plan is appropriate because of the lengthy period of inactivity, but no plan revision has been done as of this review.

As a result of the programmatic issues described above, insufficient stabilization was observed on all sites that were visited during the field review, that resulted in offsite discharges at four of the five sites reviewed. Acceptable stabilization is defined by vegetative coverage, and vegetative growth is the measurable and definable goal. Application of seed and straw does not in itself meet the definition of either temporary or permanent stabilization as defined in the 2011 Standards and Specifications.

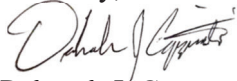
Based on the results of this delegation review, the County must re-evaluate inspector training activities to ensure that the erosion and sediment control program is administered in accordance with State regulations. The County shall submit a detailed training program and materials to the Department for review and approval by June 30, 2025, and begin implementation efforts upon receipt of this review. Training topics must address the deficiencies described above with respect to ensuring proper stabilization (i.e., 95% vegetation), soil properties, ensuring plan revisions are implemented when necessary, and implementing progressive enforcement. Training should include material on basic soil properties, characteristics, and identification. Training should also review the County's Standard Operating Procedures regarding applying progressive enforcement to ensure sediment is properly contained onsite. Site issues discussed in this review should be included in the training. Also, by September 5, 2025, the Department requests that the County submit the most recent four consecutive inspection reports for an additional five sites demonstrating successful examples of progressive enforcement actions. The Department will use this documentation to evaluate the County's progress toward improving program implementation.

The Department will reassess the County's program within one year, i.e., Fall 2025, to observe that necessary improvements have been made based on the issues described here. The review will examine the County's role in the plan review and comment process, applied inspection and enforcement in the field (specifically in the context of acceptable standards of stabilization), continued inspector training, and any other program aspects pertaining to the issues noted above.

Based upon the understanding that the enclosed recommendations will be addressed, the Department grants limited delegation of erosion and sediment control enforcement authority, effective for one year through June 30, 2026. The comments noted above must be addressed in order to maintain compliance with NPDES MS4 permit requirements to implement and maintain an acceptable erosion and sediment control program.

Effective erosion and sediment control is fundamental in our effort to protect local streams and restore the Chesapeake Bay, and I thank you and your staff for your continued efforts. If you have questions on this review and the requisite information noted above, please call me at (410) 537-3533, or you may 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

Enclosure

cc: Michael Davies, Chief Inspector-Environmental, Department of Public Works
Quintin Cornwell, District Manager, Harford Soil Conservation District
Danielle Hankins, MS4 Program Administrator, Harford County

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

Jurisdiction: Harford County

Review Dates: October 17, 2024

Ordinance/Legal Authority

Reference Citation: Section 214, "Sediment Control and Stormwater Management" of the County Code.

First Adopted by Jurisdiction: November 12, 1985

State Approval Issued: March 11, 1985

Most Recent Modification(s): August 5, 2024 – updated/amended as of 8/5/2024 via Bill No. 24-011 to implement 20 acre grading units and increase fines and reduce time of violation implementation

Current Status: Acceptable

Procedures

Description: Harford County's inspection and enforcement procedures are consistent with the Code of Maryland Regulation (COMAR) 26.17.01. The County also has the ability to issue civil citations, initiate bond forfeiture, and withhold use and occupancy approvals.

Total Inspections Performed: 2,729 (annual average based on FY23 and FY24 data)

Violation Notices Issued: 242

Stop Work Orders Issued: 79

Amount of Fines or Bonds Collected: \$10,000

Court Cases: 0

Comments: Procedurally, Harford 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: 41 (648 acres) Minor: 135 (319 acres)

Permits Active: Major: 107 (1,769 acres) Minor: 209 (326 acres)

Staff Size: Supervisory Staff: 2

Inspection Staff: 4

Administrative Support: 0

Current Status: Department of Public Works staff conducts inspections and enforcement. The County added third party inspectors and is currently training them.

Comments: County inspectors are effective at documenting issues and ensuring physical controls are installed and maintained per the plans. They call for enforcement as required and provide definitive dates for compliance. Where progressive enforcement is applied, however, time to obtain compliance is in some cases excessive, i.e., weeks or months. Progressive enforcement was not applied to achieve stabilization. Inspectors must be proactive in pointing out scenarios as soon as observed where approved plans will not provide effective sediment control due to site soils. The County is encouraged to include soils in inspector training topics.

Field Enforcement

Total number of sites visited during this review: 4

Harford County Erosion and Sediment Control Delegation Field Review

October 17, 2024

Maryland Department of the Environment (Department) reviewer:

Pat Depkin, Michelle Crawford

Sites Visited:

1. Magnolia Woods: Residential project; Harford Soil Conservation District (SCD) approval date 5-19-22; Home construction stage; Disturbed area 17.8 acres.
2. Joppa Crossing: Commercial project; SCD approval date 10-25-22; Home construction stage; Disturbed area 4.47 acres.
3. Ridgely's Reserve: Residential project; SCD approval date: 06-21-22; Utility and home construction stage; Disturbed area: 122.32 acres.
4. Bel Air Village: Commercial project; SCD approval date 3-24-22; Rough grading stage (dormant/inactive); Disturbed area 33.93 acres.

From: michelle.crawford1@maryland.gov
Sent: Wednesday, September 3, 2025 1:04 PM
To: Davies, Michael
Subject: 2025 Application for Delegation of Erosion and Sediment Control Enforcement Authority

[EXTERNAL SENDER]

Dear Michael Davies,

Thank you for completing your 2025 Application for Delegation of Erosion and Sediment Control Enforcement Authority. Below are your responses for your records.

1. Jurisdiction

Harford County Government

2. Email address

mtdavies@harfordcountymd.gov

3. Full Name of Contact Person

Michael Davies

4. Phone

4106885086

5. If you are not using Fiscal Year (FY) data, please specify.

[No Answer Entered]

6. Total number of grading permits* Issued (do not count Other permits)

FY 2024 (): 39

FY 2025 (): 87

ESC: PERMITS_ISSUED

7. Total disturbed acres for issued grading permits

FY 2024 (): 624

FY 2025 (): 2020

8. Total estimated number of active grading permits (do not count Other permits)

FY 2024 (): 111

FY 2025 (): 117

ESC: PERMITS_ACTIVE (#8. + #12.)

9. Total disturbed acres for active grading permits

FY 2024 (): 1817 ESC: DIST_ACTIVE (#9. + #13.)
FY 2025 (): 1194

10. Total number of other permits** issued

FY 2024 (): 140
FY 2025 (): 75 ESC: OTHER_ISSUED

11. Total disturbed acres for other permits issued

FY 2024 (): 354
FY 2025 (): 90

12. Total estimated number of active other permits

FY 2024 (): 314 ESC: PERMITS_ACTIVE (#8. + #12.)
FY 2025 (): 242 ESC: OTHER_ACTIVE

13. Total disturbed acres for active other permits

FY 2024 (): 405 ESC: DIST_ACTIVE (#9. + #13.)
FY 2025: 87.75 ESC: DIST_ACTIVE_OTH

14. Total number of sediment control inspectors

FY 2024 (): 4 ESC: NUM_INSPECTORS
FY 2025 (): 6

15. Total number of sediment control supervisor staff

FY 2024 (): 2 ESC: NUM_SUPERVISORS
FY 2025 (): 2

16. Total number of sediment control administrative support staff

FY 2024 (): 0
FY 2025 (): 0

17. Total number of sediment control inspections performed

FY 2024 (): 2376 ESC: NUM_INSPECTIONS
FY 2025 (): 3841

18. Total number of sediment control violation notices issued

FY 2024 (): 245 ESC: NUM_VIOS
FY 2025 (): 602

19. Total number of building and grading permit violation notices issued

FY 2024 (): 18
FY 2025 (): 20

20. Total number of stop work orders issued

FY 2024 (): 113 ESC: STOP_WRK_ORDERS

FY 2025 (): 162

21. Total number of fines or securities collected

FY 2024 (): 1

ESC: NUM_FINES_COL

FY 2025 (): 1

22. Total amount of fines or securities collected (\$)

FY 2024 (): 10,000

ESC: AMNT_FINES_COL

FY 2025 (): 20,000

23. Total number of court cases

FY 2024 (): 0

ESC: NUM_CRT_CASES

FY 2025 (): 0

24. Total dollar amount of awarded court cases

FY 2024 (): 0

FY 2025 (): 0

25. Total number of sediment control complaints received

FY 2024 (): 62

ESC: COMP_REC

FY 2025 (): 65

26. Total number of compliance assistance provided to correct violations

FY 2024 (): 0

FY 2025 (): 0

27. Do you have any critical area?

Yes

28. **Total number of sediment control inspections performed in the critical area

FY 2024 (): 3

FY 2025 (): 7

29. **Total number of sediment control violation notices issued in the critical area

FY 2024 (): 2

FY 2025 (): 5

30. **Total number of building and grading permit violation notices issued in the critical area

FY 2024 (): 1

FY 2025 (): 3

31. **Total number of stop work orders issued in the critical area

FY 2024 (): 1

FY 2025 (): 2

32. **Total number of fines or securities collected in the critical area

FY 2024 (): 0

FY 2025 (): 0

33. **Total amount of fines or securities collected in the critical area (\$)

FY 2024 (): 0

FY 2025 (): 0

34. Total number of court cases in the critical areas

FY 2024 (): 0

FY 2025 (): 0

35. Total dollar amount of awarded court cases in the critical areas

FY 2024 (): 0

FY 2025 (): 0

36. Total number of sediment control complaints received in the critical area

FY 2024 (): 3

FY 2025 (): 5

37. Total number of compliance assistance provided to correct violations in the critical area

FY 2024 (): 0

FY 2025 (): 0

38. Do you have any sensitive area?

Yes

39. **Total number of sediment control inspections performed in a sensitive area

FY 2024 (): 25

FY 2025 (): 125

40. **Total number of sediment control violation notices issued in a sensitive area

FY 2024 (): 5

FY 2025 (): 65

41. **Total number of building and grading permit violation notices issued in a sensitive area

FY 2024 (): 1

FY 2025 (): 100

42. **Total number of stop work orders issued in a sensitive area

FY 2024 (): 3

FY 2025 (): 3

43. **Total number of fines or securities collected in the sensitive area

FY 2024 (): 1

FY 2025 (): 1

44. **Total amount of fines or securities collected in the sensitive area (\$)

FY 2024 (): 10,000

FY 2025 (): 20,000

45. Total number of court cases in the sensitive areas

FY 2024 (): 0

FY 2025 (): 0

46. Total dollar amount of awarded court cases in the sensitive areas

FY 2024 (): 0

FY 2025 (): 0

47. Total number of sediment control complaints received in the sensitive area

FY 2024 (): 20

FY 2025 (): 220

48. Total number of compliance assistance provided to correct violations in the sensitive area

FY 2024 (): 0

FY 2025 (): 0

Thanks again for completing this form online.

Sincerely,

MDE SDSFM Program

HARFORD COUNTY BILL NO. 24-011 As Amended

Brief Title (Sediment Control)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Dixon
Council Administrator

Date 6/4/24

ENROLLED

Robert Vincent
Council President

Date June 4 2024

BY THE COUNCIL

Read the third time.

Passed: LSD 24-018

Failed of Passage: _____

By Order

Mylin A. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5th
Day of June, 2024, at 3:00 p.m.

Mylin A. Dixon
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 6/5/24

BY THE COUNCIL

This Bill No, 24-011 AsAmended having been approved by the Executive and returned to the Council, becomes law on June 5, 2024.

EFFECTIVE: August 5, 2024

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 24-011 (As Amended)

Introduced by Council Member Guthrie

Legislative Day No. 24-011 Date April 2, 2024

AN ACT to repeal and reenact, with amendments, the definition of “grading unit” of Section 214-1, Definitions; to repeal and reenact, with amendments Subsection B(8)(h) of Section 214-4, Erosion and Sediment Control Plans; and to repeal and reenact with amendments, Section 214-22, Civil Citation and Fine; all of Article I, Sediment Control, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to modify the definition of “grading unit”; to provide for work on more than one grading unit under certain circumstances; to increase the civil fine; and generally relating to sediment control.

By the Council, Mylin A. Dixon

Introduced, read first time, ordered posted and public hearing scheduled:

on: May 7, 2024

at: 6:30 PM

By Order: Mylin A. Dixon, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 7, 2024, and concluded on May 7, 2024.

Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition of “grading unit” of Section 214-1, Definitions, be, and it is hereby, repealed and reenacted, with amendments; that Subsection B(8)(h) of Section 214-4, Erosion and Sediment Control Plans, be, and it is hereby, repealed and reenacted, with amendments; and that Section 214-22, Civil citation and fine, be and it is hereby, repealed and reenacted, with amendments, all of Article I, Sediment Control, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended, and to read as follows:

Chapter 214. Sediment Control and Stormwater Management

Article I. Sediment Control

§ 214-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

GRADING UNIT – The maximum contiguous area allowed to be graded at a given time. **FOR THE PURPOSES OF THIS ARTICLE A GRADING UNIT IS 20 ACRES OR LESS.**

“214-4. Erosion and Sediment Control Plans.

B. Contents of erosion and sediment control plans

8. Erosion and sediment control plans including:

(h) A statement requiring the owner/developer or applicant to contact the Department at the following stages of the project or in accordance with the approved erosion and sediment control plan, grading permit, or building permit:

(1) Prior to the start of earth disturbance;

(2) Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading;

(3) ON SITES WHERE THE PROPOSED DISTURBANCE IS IN EXCESS

OF 20 ACRES, GRADING WORK MAY PROCEED TO A SUBSEQUENT
GRADING UNIT WHEN AT LEAST 50% OF THE DISTURBED AREA IN
THE PRECEEDING GRADING UNIT HAS BEEN STABALIZED AND
APPROVED BY THE DEPARTMENT BUT IN NO EVENT SHALL MORE
THAN 2 GRADING UNITS BE ACTIVE AT ANY TIME;

[(3)] (4) Prior to the start of another phase of construction or opening of another
grading unit; and

[(4)](5) Prior to the removal of sediment control practices.”.

§ 214-22 Civil citation and fine.

A. In addition to any other penalty imposed under state or County law, a person is liable for a civil fine under this section if the person violates any provision of this article.

B. Each day a violation continues is a separate offense.

C. The amount of a fine under this section is:

(1) For the first violation in any [12] 2-month period, [\$250] **\$500**;

(2) For a second violation by the same person within [12] 4 months after the first violation, [\$500] **\$1,000**; and

(3) For a third violation and each subsequent violation by the same person within [12] 6 months after the first violation, [\$1,000] **\$5,000**.

D. A fine under this section shall be imposed in the following manner:

(1) An inspector who observes a violation shall report the violation to the Director or the Director's designee, who shall verify that the violation exists through discussion with the inspector, a site visit or other appropriate means.

(2) If a violation exists, the Director or the Director's designee shall authorize the inspector to issue a citation to the person directly responsible for the violation or the grading permit holder.

(3) The citation may be delivered or mailed, and shall include:

- (a) The name and address of the person cited;
- (b) A description of the violation;
- (c) The address or location of the violation;
- (d) The amount of the fine, which shall not exceed [\$10,000] **\$20,000**;
- (e) The manner, location and time in which the fine may be paid to the County;
- (f) A statement of the person's right to file an administrative appeal of the citation, the procedure to be followed in order to file an administrative appeal and the person's right to be represented by an attorney at the hearing of the administrative appeal; and
- (g) The address and telephone number of the Department.

E. A person who receives a citation shall, within 30 calendar days after receiving the citation:

- (1) Pay the fine; or
- (2) Appeal the citation in accordance with Subsection F of this section.

F. A person who receives a citation may appeal the citation by filing with the Director of Administration a request for a hearing in accordance with [§] **Section R-2.4** of the County administrative rules of procedure for regulations and hearings.

G. The County shall take the steps necessary to collect the fine if:

- (1) The fine is not paid by the required date; or
- (2) The citation is not appealed by the required date.

**BILL NO. 24-011
AS AMENDED**

H. Adjudication of a civil violation under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

I. A citation may be issued under this section regardless of whether a stop-work order is issued for the violation.

J. Money collected under this section:

(1) Shall be used only to correct damage that is the result of the failure to implement or maintain erosion or sediment controls; and

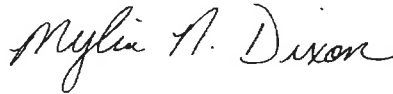
(2) Shall be deposited in a separate sediment control account.

Section 2. And Be It Further Enacted that projects and sites with preliminary plan or site approval as of the effective date of the Act shall not be subject to the 20 acre grading unit limitation imposed by this Act.

Section 3. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: August 5, 2024

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator

FYI



Edy Santiago | Administrative Assistant
Department of Public Works
Division of Environment & Sustainability | Stormwater Management
212 S. Bond Street, 3rd Fl. | Bel Air, MD 21014
410.638.3509 Ext. 1268
edsantiago@harfordcountymd.gov | www.harfordcountymd.gov

From: santiago, edith

Sent: Friday, March 3, 2023 12:03 PM

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Subject: DPW DISCONTINUATION OF REVIEWS FOR ENGINEERED EROSION AND SEDIMENT CONTROL PLANS

The following message is being sent on behalf of the Senior Stormwater Engineer, Robert E. Anderson, P.E.:

Dear Harford County Consultant, Developer, and Engineering Community:

The Department of Public Works ("DPW") has discontinued the review of engineered plans for Erosion and Sediment Control ("ESC"), effective Friday, February 24, 2023. DPW will continue to review and approve Standard E & S Plans under 30,000 sq. ft. of disturbance. Harford County Soil Conservation District ("SCD") is the final approval authority for ESC, and plans will be reviewed and approved by SCD. DPW will continue coordinating with SCD for stormwater approvals, allowing for grading approval. DPW will also continue to inspect ESC field conditions to ensure compliance with the approved plans. Effectively immediately, please use the new SCD approval signature block. (See attached file) Please continue to submit your plans to this office for SCD review, and DPW will issue the grading permit upon SCD approval. Thank you and as always, if you have any questions, I can be reached at 410.638.3509, Ext. 1363.



Robert E. Anderson P.E. | Senior Stormwater Engineer Harford County Department of Public Works


Highways, Environment & Sustainability

212 S. Bond Street, 3rd Floor | Bel Air, MD 21014-3838 | 410.638.3509

www.harfordcountymd.gov    

For future communications, please provide an alternate or preferred company e-mail address.

Edy Santiago | Administrative Assistant | DEPARTMENT OF PUBLIC WORKS

212 S. Bond Street, 3rd Floor | Bel Air, MD 21014 | 410-638-3509 Ext. 1268 

www.harfordcountymd.gov



"Let's do it right!"...County Executive, Robert G. Cassilly

EVERYDAY IS A good day...TO HAVE A great day



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Harford Soil Conservation District

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MAJOR AND MINOR MODIFICATIONS FOR MARYLAND DEPARTMENT OF THE ENVIRONMENT AND HARFORD SOIL CONSERVATION DISTRICT APPROVED EROSION AND SEDIMENT CONTROL PLANS

INTRODUCTION

The Environment Article, Title 4, Subtitle 1 requires the Maryland Department of the Environment (the Department) to implement a statewide erosion and sediment control (ESC) program to control runoff from land disturbing activities. As part of this program, most grading activities in the State of Maryland require an ESC plan approved by the appropriate approval authority. Agricultural land management practices and agricultural best management practices, including those regulated under COMAR 26.17.03; and grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth are exempt from this requirement.

Where an ESC plan is required, the site shall be inspected by the appropriate enforcement authority for compliance with the approved plan. When inspection of the site indicates that practice deficiencies or ESC plan deficiencies exist, modifications to the approved plan may be requested by the owner/developer or required by the appropriate approval or enforcement authority. All plan modifications must be made in accordance with the ESC criteria contained in the “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control” and the criteria for major and minor modifications in COMAR 26.17.01.09 H – Plan Modifications.

The following shall constitute the requirements of the Harford Soil Conservation District regarding major and minor modifications of approved grading, erosion and sediment control plans and supporting documentation as necessary.

A. Minor modifications to erosion and sediment control plans (e.g., deletion, addition, modification) to non-engineered items may be approved or authorized in the field if the changes do NOT increase the scope or change hydrology of the project. Examples include:

1. Adjustments to sediment controls (except sediment basins) needed to meet field contours and conditions and to provide positive drainage. Changes cannot negatively impact function or design performance; and i. No change allowed in minimum storage capacity or minimum criteria; and ii. Must maintain relative elevations per design.
2. Changes to sediment trap dimensions to meet field conditions provided the design capacity and relative elevations are maintained;
3. Substitution of perimeter control measures provided the measure substituted is equivalent to or an upgrade of the original measure (e.g., silt fence to super silt fence);

4. Additions or extensions of perimeter controls to meet field conditions, including stabilized construction entrances, provided there is no impact to areas outside the limit of disturbance (LOD);
5. Additional, redundant controls;
6. Staging/stockpile areas within the limits of disturbance and draining to sediment controls; and
7. Emergency measures needed to minimize/eliminate a sediment pollution problem requiring immediate attention. **NOTE: Emergency measures of a major plan change shall necessitate a plan revision and subsequent formal approval from the Harford Soil Conservation District.**

All minor plan modifications to an approved grading, erosion and sediment control plan shall be documented in the daily inspection report, shown on the plan, and initialed and dated by the appropriate inspection and enforcement authority.

B. Major modifications involve changes to the proposed erosion and sediment control plan where hydrologic/hydraulic engineering analysis/calculations are required (e.g., deletion, addition and/or modification to engineered items such as sediment traps, sediment basins). Major modifications shall be submitted to the Harford Soil Conservation District for review and approval. Examples include:

1. Modifications that change the original erosion and sediment control plan by removing or adding additional area to the project, or otherwise expand or contract the scope of the original project;
2. Changes in the sequence of construction or phasing that affect erosion/sediment control implementation or maintenance;
3. Additional grading/construction beyond the LOD;
4. Changes to the approved grading plan or drainage patterns including, but not limited to, steep slopes and concentrating stormwater runoff;
5. Changes that modify the hydrology or drainage of the final design;
6. Changes to sediment basins;
7. Changes that downsize, eliminate, or change the type of sediment trap;
8. Changes to downgrade sediment controls (e.g., super silt fence to silt fence; temporary gabion outlet structure to temporary stone outlet structure);
9. Changes in type and/or function of sediment controls (e.g., diversion berm with stone outlet structure to perimeter filtering device);
10. Changes to the drainage area of perimeter controls or practices;
11. Additional staging and/or stockpile areas outside the LOD;
12. Changes to the vegetative stabilization or specifications;
13. Removal of any sediment control feature prior to stabilization of the controlled drainage area;
14. Chemical application of flocculants for improved water quality; (please use link to the Department's website for Chemical Additives Forms and Guidelines:
<https://mde.maryland.gov/programs/Permits/WaterManagementPermits/Pages/MDFlocs.aspx>);
and
15. Anything not considered a minor plan modification.

Revisions to an approved minor or major plan modifications list, or the use of any sediment control practice not included in the Maryland Standards and Specifications for Soil Erosion and Sediment Control requires approval by the Harford Soil Conservation District (HSCD) or the Maryland Department of the Environment.

The foregoing minor and major modifications to approved erosion and sediment control plans has been adopted / approved by the HSCD Board of Supervisors at their regular scheduled Board Meeting, August 14, 2024. Further changes shall not be made unless subsequently approved by the Department and HSCD.

APPROVED

Lee D. McDaniel
Lee D. McDaniel, Chairman
Harford Soil Conservation District
Board of Supervisors

Date: August 14, 2024

Appendix D2

Harford County, MD Department of Public Works Watershed Protection and Restoration FY25 Grading Permits Issued (July 1, 2024 - June 30, 2025)



Robert Cassilly
County Executive

