



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Crumbles
Secretary

JAN 24 2017

Eva Kerchner, Assistant Director
Inspections and Permits
Anne Arundel County
Heritage Office Complex
2664 Riva Road, MS6201
Annapolis MD 21401

Dear Ms. Kerchner:

The Maryland Department of the Environment, Water Management Administration (MDE/WMA) has completed a review of Anne Arundel County's application for continued delegation of erosion and sediment control enforcement authority. As part of this evaluation, MDE conducted field inspections, and a review of erosion and sediment control enforcement procedures in accordance with the County's approved ordinance. I would like to thank you and your staff for their assistance during the review process.

On November 1 and 3, 2016, MDE along with County personnel and the Anne Arundel Soil Conservation District (SCD), inspected 19 active construction sites totaling 357 acres of earth disturbance. Results of this field audit, which is attached for your use, found that while most of the program elements were being implemented effectively, three important issues need to be addressed:

- A number of the sites visited by MDE required stabilization. The main issues identified were seeding or reseeded and the maintenance, or installation, of stabilized construction entrances.
- MDE found inconsistent completion of routine inspections and report documentation. This issue was pointed out in the 2012 Delegation Review of the County's program. MDE encourages the County to take the necessary steps to consistently document inspections.

One additional issue that was brought to MDE's attention by County inspectors was that recent rain events have resulted in significant off-site impacts near several larger construction sites. In each case, the County is commended for taking the necessary actions to address these instances of downstream flooding, excessive erosion in receiving waters, and other off-site impacts as they have occurred. However, problems like these could be prevented if potential issues (e.g., increased imperviousness during construction, extensive removal of forest cover) that result in increased volumes of runoff exiting the site are addressed during the review process.

The County should be aware that proactive steps for addressing potential offsite problems are supported by the State regulations. COMAR 26.17.01.07.B.(6) requires that erosion and sediment control plans include "[s]orm drainage provisions, including: (i) [v]elocities and quantities of

Eva Kerchner, Assistant Director

Page 2

flows at outfalls; and (ii) [s]ite conditions around points of all surface water discharge from the site". Likewise, COMAR 26.17.01.08.B. allows "[t]he approval authority...to deny approval or impose conditions necessary to prevent: (1) a nuisance or dangerous condition [or] (2) sediment pollution". Lastly, if problems arise after construction begins, Section 4-105.(a)(4), Environment Article of the Annotated Code of Maryland states that the "jurisdictions delegated enforcement authority...or the appropriate approval agency may require modifications to an approved sediment control plan if the approved plan is not adequate to control sediment or erosion."

Anne Arundel County's municipal separate storm sewer system (MS4) permit (11-DP-3316 MD0068306) requires the County to submit quarterly grading permit information to MDE. For State fiscal year 2015, the County submitted quarterly grading permit reports documenting that 41 grading permits were issued for 360 acres of disturbance. While MDE has updated an online erosion and sediment control course that may be used to fulfill MS4 permit training requirements, the County should continue to ensure that onsite operators have received training.

Based on the findings of this evaluation, MDE is granting Anne Arundel County's request for continued delegation of erosion and sediment control enforcement authority with the understanding that the issues raised will be given the necessary attention and should be addressed by the next review. This delegation of authority is effective through June 30, 2019. Because effective erosion and sediment control is fundamental in our effort to protect local streams and restore Chesapeake Bay, I would like to thank you and your staff for your continued efforts.

If you have any questions or comments regarding this evaluation, please contact me at 410-537-3567, or have a member of your staff contact Mr. Raymond Bahr, Sediment and Stormwater Program Review Division at 410-537-3545, or raymond.bahr@maryland.gov.

Sincerely,



D. Lee Currey
Acting Director
Water Management Administration

Enclosure

cc: Dan Kane, Director, Inspections & Permits
Erik Michaelson, Anne Arundel County MS4 Permit Administrator
John Czajkowski, District Manager, Anne Arundel Soil Conservation District

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

Jurisdiction: Anne Arundel County

Review Dates: 11/1/16 and 11/3/16

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: September 29, 2015 - Article 16 amended to reflect changes in State Code.

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: 10,667 (annual average based on FY15 and FY16 data)

Violation Notices Issued: 1,090

Stop Work Orders Issued: 151

Amount of Fines or Bonds Collected: \$25,651

Court Cases: 11

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

Workload

(annual average based on FY15 and FY16 data)

Permits Issued: Major: 401 (513 acres) Minor: 286 (34 acres)

Permits Active: Major: 1,349 (1,754 acres) Minor: 140 (16 acres)

Staff Size: Supervisory Staff: 2

Inspection Staff: 10

Administrative Support: 1 (2 part time staff)

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

Comments: Adequate

Field Enforcement

Total Number of Sites Visited: 19

E&SC Delegation		Plan Data				Adequate Implementation/Maintenance										Enforcement										
Anne Arundel County Inspection Dates November 1 and 3, 2016		Disturbed Acres	2-Year Approval		Provides Adequate Control		Grading		Stabilization		Water Conveyance		Erosion Control		Filtering		Dewatering		Sediment Trapping		Off-Site/Potential Water Impacts		Two Week Inspection Frequency		Adequate Enforcement	
			Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
Site Name																										
1. Zemans Choice		44.2	x		x				x		x		x		x				x		x		x	x		
2. Brumwell-Miller Property		7.6	x		x				x		x		x		x				x		x		x	x		
3. Shipley Homestead		37.4	x		x				x		x		x		x				x		x					
4. Gable Drive & Shipley Meadow		19.5	x		x				x		x		x		x		x		x		x	x		x		
5. Creekstone Village Section 2B		7.1	x		x					x	x		x		x				x		x		x	x		
6. Solomons Choice		23.4	x		x					x	x		x		x				x		x		x	x		
7. Admiral Sqaure 16380 (Phase II)		5.1	x		x				x				x		x				x		x	x		x		
8. Bay Ridge Christian Church			x		x					x	x		x		x		x		x		x	x		x		
9. Brightview Assisted Living Facility		4.8	x		x				x		x		x		x						x					
10. Holladay Park Estates Phase 2 & 3		18.4	x		x					x			x		x				x		x					
11. Asher's Farms		15.5	x		x					x				x		x			x		x					
12. Severna Park High School		21.6		x	x				x		x		x		x		x		x		x	x		x		
13. Stone Mill		14.5	x		x					x		x		x		x			x		x				x	
Stone Mill*									x				x		x						x					
14. Creekside Village Tanyard Cove		21.8	x		x					x	x		x			x	x		x		x	x		x		
Creekside Village Tanyard Cove*									x					x												
15. Tanyard Cove North Section 2		21.7	x		x				x			x	x		x				x		x	x		x		
Tanyard Cove North Section 2*											x															
16. AAA Car Care Center		1.2	x		x				x				x			x					x					
17. Chesaco RV		0.5	x		x				x					x							x					
18. Cascades at Two Rivers Parcel C-1		49.0	x		x				x				x		x		x		x	x						
19. The Highlands		43.3	x		x				x		x		x		x		x		x		x					
*County Reinspection Totals		356.5	18	1	19	0	0	0	14	7	12	2	17	2	17	4	6	0	15	1	3	17	7	4	10	1
Percent			95%	5%	100%	0%	0%	0%	67%	33%	86%	14%	89%	11%	81%	19%	100%	0%	94%	6%	15%	85%	64%	36%	91%	9%

E&SC Delegation	Plan Data			Adequate Implementation/Maintenance												Enforcement									
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				Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
Site Name																									
MDE Site Inspection Comments	<p>Sites 5., 6., 10., 11., 13., and 14. Improved stabilization required. Sites 6. and 10. Stabilized construction entrance (SCE) required maintenance. Site 6. Outlet protection needed for culvert. Site 7. Stockpile required re-stabilization. Site 8. SCE required. Site 11. Reinforced silt fence (RSF) needed maintenance. RSF not installed per specification and sediment was exiting the site. Riprap inflow protection (RIP) required. Site 12. Plan was not up-to-date. Some stormwater management (SWM) practices had protective fabric that needed maintenance. Site 13. A clear water diversion pipe (CWDP) not installed correctly; clear water was being discharged onsite instead of off-site. Standard inlet protection (SIP) not installed per specification. Fabric required under outlet protection. Sediment laden water was being discharged off-site from an outlet. Recent inspection reports did not use progressive enforcement to ensure that the 3-7 day stabilization requirement was met. County reinspection found that the site had been restabilized. Site 14. Stockpile required re-stabilization. RSF needed minor maintenance to remove sediment buildup and address RSF receiving concentrated flow. County reinspection showed that the site had been re-stabilized and RSF no longer received concentrated flow. Site 15. Minor maintenance required to address SCE that was being short-circuited. Per inspectors instruction, RSF along the roadway was not installed as required by the plan. Dike to basin not constructed per plan and modification not approved by the SCD. Site 16. SWM practices not well protected. RSF required maintenance. Site 18. The sediment basin had a leak in the control structure; sediment laden water discharging off-site. See additional photo documentation for Sites 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, and 18.</p>																								
*County Reinspection	MDE Reviewers: Brian Cooper, Stewart Comstock, Pat Depkin, Mary Dewa, Kelly Flint, Melissa Hew, and Christina Lyerly																								

Anne Arundel County Delegation Review

November 1 and 3, 2016

Site Visit Notes

MDE Reviewers: Brian Cooper, Stewart Comstock, Pat Depkin, Mary Dewa, Kelly Flint, Melissa Hew, and Christina Lyerly

General Notes

- A number of the sites visited by MDE required stabilization. The main issues identified were seeding or reseeding and the maintenance, or installation, of stabilized construction entrances.
- Modification to practices and erosion and sediment control plans were sometimes being made without documentation on the procedures taken to make the changes and in one case without SCD approval.

VISITED SITES

November 1, 2016 – Brian Cooper, Mary Dewa, and Melissa Hew

5. Creekstone Village Section 2B

County Staff: David Ridolfi and Arthur Clanton

Plan Approval Date: June 3, 2015

Disturbed Area: 7.1 ac

Type of project: Residential

Stage: Utility installation, building construction, finished grading, final stabilization

Pictures of Creekstone Village Section 2B:



Stabilization required



Re-stabilization required

6. Solomons Choice

County Staff: Roseanne Zimmerman and Arthur Clanton

Plan Approval Date: March 23, 2015

Disturbed Area: 23.4 ac

Type of project: Residential

Stage: Clearing and grubbing, building construction

Notes:

- Improved stabilization was needed. The County has made efforts to enforce stabilization and stop work orders have been issued.

Pictures of Solomons Choice:



Stabilized construction entrance (SCE) required maintenance



Re-stabilization required



Install outlet protection for culvert

November 1, 2016 – Pat Depkin and Christina Lyerly

7. Admiral Square 16380 (Phase II)

County Staff: Geoff Bobersky

Plan Approval Date: December 7, 2015

Disturbed Area: 5.1 ac

Type of project: Residential

Stage: Building construction

Pictures of Admiral Square 16830 (Phase II):



Stockpile required re-stabilization

8. Bay Ridge Christian Church

County Staff: Geoff Bobersky

Plan Approval Date: June 16, 2016

Disturbed Area: 4.8 ac

Type of project: Commercial

Stage: Rough grading, finished grading

Pictures of Bay Ridge Christian Church:



An SCE was required; the inspection report requested that one be installed

10. Holladay Park Estates Phase 2 and 3

County Staff: Geoff Bobersky

Plan Approval Date: August 18, 2016

Disturbed Area: 18.4 ac

Type of project: Residential

Stage: Clearing and grubbing

Pictures of Holladay Park Estates Phase 2 and 3:



SCE required maintenance; tracking on roadway



Re-stabilization required

11. Asher's Farms

County Staff: Geoff Bobersky

Plan Approval Date: June 9, 2015

Disturbed Area: 15.5 ac

Type of project: Residential

Stage: Building construction

Pictures of Asher's Farms:



Re-stabilization required



RSF with hole



RSF not installed per specifications;
sediment was exiting site



Riprap inflow protection (RIP) required

November 3, 2016 – Brian Cooper, Christina Lyerly, and Stewart Comstock

12. Severna Park High School

County Staff: Roseanne Zimmerman and Arthur Clanton

Plan Approval Date: June 9, 2014

Disturbed Area: 21.6 ac

Type of project: Capital

Stage: Building construction

Pictures of Severna Park High School:



Area reserved for future stormwater management (SWM) not adequately protected



Protective fabric for SWM practice

13. Stone Mill

County Staff: David Ridolfi and Arthur Clanton

Plan Approval Date: February 10, 2016

Disturbed Area: 14.5 ac

Type of project: Residential

Stage: Installation of E&S controls, rough grading, utility installation

Notes:

- The previous inspection report noted a need for stabilization. During MDE's review, the inspector indicated that the unstabilized SWM area was reaching the 3-7 day limit. The resulting inspection report restated the need for stabilization but did not use progressive enforcement.
- The County reinspection found that the stabilization needs were addressed.

Pictures of Stone Mill:



A clear water diversion pipe (CWDP) was not installed correctly; clear water was being discharged onsite instead of off-site.



Inlet protection not installed per specification



Stabilization required



Sediment laden water was being discharged off-site from an outlet. Fabric needed under outlet protection.

14. Creekside

County Staff: Mark Wells and Arthur Clanton

Plan Approval Date: October 4, 2016

Disturbed Area: 21.8 ac

Type of project: Residential

Stage: Clearing and grubbing, rough grading, and building construction

Notes:

- Maintenance items included removing the RSF in the area of concentrated flow and removing sediment that accumulated along RSF.
- The County reinspection showed that maintenance was performed to address stabilization needs and correct the RSF that was receiving concentrated flow.

Pictures of Creekside:



Stockpile required re-stabilization



Stabilization required



RSF receiving concentrated flow

15. Tanyard Cove

County Staff: Mark Wells and Arthur Clanton

Plan Approval Date: October 25, 2016

Disturbed Area: 21.7 ac

Type of project: Residential

Stage: Clearing and grubbing, rough grading

Pictures of Tanyard Cove:



SCE was being short-circuited;
maintenance required



Per inspector's instruction, RSF along the
roadway was not installed as required by the
plan



Dike to basin not constructed per plan and
modification not approved by the SCD



Modified dike discharges to concrete structure

November 1, 2016 – Pat Depkin and Kelly Flint

16. AAA Car Care Center

County Staff: Geoff Bobersky
Plan Approval Date: October 28, 2016
Disturbed Area: 1.2 ac
Type of project: Commercial
Stage: Building construction and finished grading

Pictures of AAA Car Care Center:



Future SWM practices not well protected



RSF required maintenance

18. Cascades at Two Rivers Parcel C-1

County Staff: Geoff Bobersky
Plan Approval Date: January 12, 2016
Disturbed Area: 49.0 ac
Type of project: Residential
Stage: Utility installation

Pictures of Cascades at Two Rivers Parcel C-1:



Sediment observed leaving site from sediment basin