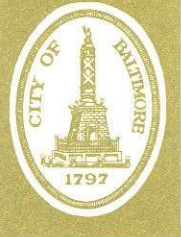
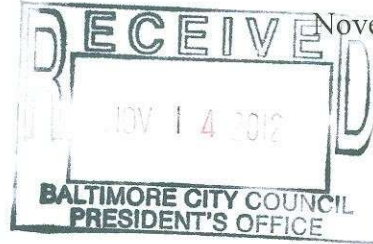


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 12-0153		

TO

DATE: November 9, 2012

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 – City Hall



I am herein reporting on City Council Bill 12-0153 introduced by the Council President on behalf of the Administration (Department of Public Works).

The purpose of the Bill is to establish minimum requirements and procedures to control the adverse impacts associated with land disturbances; minimize soil erosion and prevent off-site sedimentation by using soil erosion and sediment control practices; reduce the negative impacts of land development on water resources, maintain the chemical, physical, and biological integrity of streams, and minimize the damage to public and private property; correct, clarify, and conform related provisions; provide for a special effective date; and generally relating to soil erosion and sediment control.

The State of Maryland requires jurisdictions responsible for administering erosion and sediment control programs to update their laws from time to time to reflect changes in State laws and regulations. Baltimore City is one of 15 jurisdictions and 8 municipalities with the responsibility for administering erosion and sediment control requirements. Controlling the movement of soil and limiting erosion is important for effective protection of the quality of our water bodies.

Ordinance 78-869 established a mechanism to enforce provisions of a Baltimore City Erosion and Sediment Control Manual, which was formerly under Article 26 of the Baltimore City Code. Ordinance 02-367 placed both the erosion and sediment control and stormwater management laws under Article 7 {Natural Resources}. Article 7 Division III {Soil Erosion and Sediment Control} takes up only one page of the City Code. It refers to the City's outdated Erosion and Sediment Control Manual and does not provide adequate guidance to developers and property owners of the minimum requirements and procedures for complying with erosion and sediment controls. Current law also does not give the City sufficient authority to enforce violations against persons who are not providing adequate erosion and sediment controls on their property.

The Maryland Department of the Environment (MDE) issued a model erosion and sediment control ordinance in February 2012. City Council Bill 12-0153 adapts the State model ordinance to Baltimore's Code. If approved, the new law will do the following:

- Clearly state the requirements for erosion and sediment control plans;
- Describe the content of the required plans and approval process;
- Require performance bonds and how the bond amounts will be determined;

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- Give the Department of Public Works the ability to take action on all types of erosion and sediment control problems; and
- Clarify how violations will be handled and how the law will be administered.

Developers who have experience working in the City are already familiar with the requirements of this law. Developers new to the City will benefit from clearly defined requirements in our Code (which is accessible online). Citizens experiencing erosion or sediment problems in their neighborhoods will be able to report these problems to the City, and Public Works will have clear authority to investigate these complaints and to cite for violations when necessary.

City Council Bill 12-0153 will expand and improve the City's outdated erosion and sediment control law, provide clear guidance to developers and property owners on how to comply with the law, and clarify the City's authority to cite for violations of the law during construction or for conditions contributing to erosion and sedimentation from any City property. Approving this legislation will improve the management of erosion and sedimentation, contribute toward meeting the Chesapeake Bay Sediment Total Maximum Daily Load (TMDL), and meet one of the City's requirements under its Municipal Separate Storm Sewer System (MS4) permit. In addition, on October 15, 2012 the MDE issued a letter to this Department formally approving the draft ordinance, noting that it satisfies the Code of Maryland Regulations 26.17.01 and Title 4 of the Maryland Environment Article. Any changes made to this ordinance prior to its adoption will require approval by MDE prior to implementation.

It is for all of these reasons that the Department of Public Works supports passage of City Council Bill 12-0153.

Respectfully,


ALFRED H. FOXX
DIRECTOR

AHF/MMC:ela

cc: Ms. Marcia Collins

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