



## Legislation Details (With Text)

**File #:** 12-0153      **Version:** 0      **Name:** Soil Erosion and Sediment Control  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 10/22/2012      **In control:** City Council  
**On agenda:**      **Final action:** 2/8/2013  
**Enactment date:**      **Enactment #:** 13-95  
**Title:** Soil Erosion and Sediment Control

FOR the purpose of establishing minimum requirements and procedures to control the adverse impacts associated with land disturbances; minimizing soil erosion and preventing off-site sedimentation by using soil erosion and sediment control practices; reducing the negative impacts of land development on water resources, maintaining the chemical, physical, and biological integrity of streams, and minimizing damage to public and private property; correcting, clarifying, and conforming related provisions; providing for a special effective date; and generally relating to soil erosion and sediment control.

**Sponsors:** City Council President (Administration)

**Indexes:** Sediment Control, Soil Erosion

**Code sections:**

**Attachments:** 1. 12-0153 - 1st Reader.pdf, 2. BMZA - 12-0153.pdf, 3. DPW - 12-0153.pdf, 4. Sustainability - 12-0153.pdf, 5. HCD - 12-0153.pdf, 6. Law - 12-0153.pdf, 7. Planning Dept. - 12-0153.pdf, 8. Planning Commission - 12-0153.pdf, 9. Finance - 12-0153.pdf, 10. 12-0153 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
2/8/2013	0	Mayor	Signed by Mayor	
2/4/2013	0	City Council	Approved and Sent to the Mayor	
1/28/2013	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/28/2013	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
12/3/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
11/19/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
10/25/2012	0	The City Council	Referred for a Report	
10/25/2012	0	The City Council	Referred for a Report	
10/25/2012	0	The City Council	Referred for a Report	
10/25/2012	0	The City Council	Referred for a Report	Pass
10/25/2012	0	The City Council	Referred for a Report	
10/25/2012	0	The City Council	Referred for a Report	
10/25/2012	0	The City Council	Introduced	
10/22/2012	0	City Council	Assigned	
10/22/2012	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.  
INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: The Council President  
At the request of: The Administration (Department of Public Works)

A BILL ENTITLED

AN ORDINANCE concerning  
**Soil Erosion and Sediment Control**

FOR the purpose of establishing minimum requirements and procedures to control the adverse impacts associated with land disturbances; minimizing soil erosion and preventing off-site sedimentation by using soil erosion and sediment control practices; reducing the negative impacts of land development on water resources, maintaining the chemical, physical, and biological integrity of streams, and minimizing damage to public and private property; correcting, clarifying, and conforming related provisions; providing for a special effective date; and generally relating to soil erosion and sediment control.

BY repealing  
Article 7 - Natural Resources  
Division III  
Baltimore City Code  
(Edition 2000)

BY adding  
Article 7 - Natural Resources  
Division III  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining., with amendments  
Article 7- Natural Resources  
Section(s) 21-1(b-1), (u), and (w-2), 22-5(c)(3) and (d)  
Baltimore City Code  
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 7, Division III, of the Baltimore City Code is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

DIVISION III. SOIL EROSION AND SEDIMENT CONTROL

SUBTITLE 31. DEFINITIONS; GENERAL PROVISIONS

§ 31-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS DIVISION III, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED.

(B) APPLICANT.

“APPLICANT” MEANS THE PERSON THAT EXECUTES THE NECESSARY FORMS TO APPLY FOR A PERMIT OR APPROVAL TO CARRY OUT CONSTRUCTION OF A PROJECT.

(C) CLEAR.

“CLEAR” MEANS TO REMOVE THE VEGETATIVE GROUND COVER WHILE LEAVING THE ROOT MAT INTACT.

(D) DEPARTMENT.

“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS.

(E) DEVELOPER.

SEE “OWNER; DEVELOPER”.

(F) ENVIRONMENTAL SITE DESIGN.

“ENVIRONMENTAL SITE DESIGN” MEANS USING SMALL-SCALE STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND TO MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.

(G) EROSION.

“EROSION” MEANS THE PROCESS BY WHICH LAND SURFACE IS WORN AWAY BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY.

(H) EROSION AND SEDIMENT CONTROL.

“EROSION AND SEDIMENT CONTROL” MEANS A SYSTEM OF STRUCTURAL AND VEGETATIVE MEASURES THAT MINIMIZES SOIL EROSION AND OFF-SITE SEDIMENTATION.

(I) GRADE.

“GRADE” MEANS TO DISTURB EARTH BY ANY ONE OR COMBINATION OF METHODS, INCLUDING

EXCAVATING, FILLING, STOCKPILING, GRUBBING, OR REMOVING ROOT MAT OR TOPSOIL.

(J) INCLUDES; INCLUDING.

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(K) INTERESTED PERSON.

“INTERESTED PERSON” MEANS A PERSON WHO HAS A LEGAL RIGHT THAT COULD BE DIRECTLY AND ADVERSELY AFFECTED BY A SPECIFIC EROSION OR SEDIMENT CONTROL ISSUE.

(L) OWNER; DEVELOPER.

(1) GENERAL.

“OWNER” OR “DEVELOPER” MEANS A PERSON:

- (I) UNDERTAKING ACTIVITIES COVERED BY THIS DIVISION III; OR
- (II) FOR WHOSE BENEFIT ACTIVITIES COVERED BY THIS DIVISION III ARE UNDERTAKEN.

(2) EXCLUSIONS.

“OWNER” OR “DEVELOPER” DOES NOT INCLUDE A GENERAL CONTRACTOR OR SUBCONTRACTOR THAT DOES NOT HAVE A PROPRIETARY INTEREST IN THE PROJECT.

(M) PERSON.

(1) IN GENERAL.

“PERSON” MEANS:

- (I) AN INDIVIDUAL;
- (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION OR OTHER ENTITY OF ANY KIND; OR
- (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

(2) INCLUSIONS.

“PERSON” INCLUDES, EXCEPT AS USED IN § 35-13(B) {“CRIMINAL PENALTIES”} OF THIS DIVISION III:

- (I) THE FEDERAL GOVERNMENT;
- (II) THE STATE GOVERNMENT;
- (III) ANY COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE;

OR

(IV) ANY OF THE ENTITIES, INSTRUMENTALITIES, OR OTHER UNITS OF THESE GOVERNMENTS.

(N) RESPONSIBLE PERSONNEL.

“RESPONSIBLE PERSONNEL” MEANS ANY FOREPERSON, SUPERINTENDENT, PROJECT ENGINEER, OR OTHER INDIVIDUAL WHO IS IN CHARGE OF:

(1) ON-SITE CLEARING AND GRADING OPERATIONS; OR

(2) THE IMPLEMENTATION AND MAINTENANCE OF AN EROSION AND SEDIMENT CONTROL PLAN.

(O) SEDIMENT.

“SEDIMENT” MEANS SOILS OR OTHER SURFICIAL MATERIALS THAT ARE THE PRODUCT OF EROSION AND ARE TRANSPORTED OR DEPOSITED BY THE ACTION OF WIND, WATER, ICE, GRAVITY, OR ARTIFICIAL MEANS.

(P) SITE.

“SITE” MEANS ANY TRACT, LOT, PARCEL OF LAND, OR AREA OF CONSTRUCTION, OR ANY COMBINATION OF TRACTS, LOTS, PARCELS OF LAND, OR AREAS OF CONSTRUCTION THAT ARE:

(1) IN ONE OWNERSHIP; OR

(2) IN DIVERSE OWNERSHIP, BUT WHERE:

(I) DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION OR PROJECT; AND

(II) EITHER:

A. THE TRACTS, LOTS, OR PARCELS OF LAND ARE CONTIGUOUS; OR

B. THE DEVELOPER IS A COOPERATIVE PUBLIC-PRIVATE UNDERTAKING.

(Q) STANDARDS AND SPECIFICATIONS.

“STANDARDS AND SPECIFICATIONS” MEANS THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR ANY SUBSEQUENT REVISIONS.

(R) STORMWATER.

“STORMWATER” MEANS WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

(S) STORMWATER MANAGEMENT SYSTEM.

“STORMWATER MANAGEMENT SYSTEM” MEANS A SYSTEM OF NATURAL AREAS, ENVIRONMENTAL SITE DESIGN PRACTICES, STORMWATER MANAGEMENT PRACTICES, AND ANY

STRUCTURE THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES FROM A SITE.

§ 31-2. RULES OF CONSTRUCTION.

(A) IN GENERAL.

IN INTERPRETING AND APPLYING THIS DIVISION III, THE FOLLOWING RULES OF CONSTRUCTION APPLY.

(B) CAPTIONS OR HEADINGS.

THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

(1) ARE FOR CONVENIENCE AND REFERENCE ONLY, INTENDED TO SUMMARIZE THE STATUTORY PROVISIONS THAT FOLLOW; AND

(2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

(C) CONFLICTING PROVISIONS.

(1) DIVISION SETS MINIMUM REQUIREMENTS.

IN THEIR INTERPRETATION AND APPLICATION THE PROVISIONS OF THIS DIVISION III MUST BE TAKEN TO BE THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

(2) MOST RESTRICTIVE PROVISION GOVERNS.

IF ANY CONDITION IMPOSED BY A PROVISION OF THIS DIVISION III IS EITHER MORE OR LESS RESTRICTIVE THAN A COMPARABLE CONDITION IMPOSED BY ANY OTHER PROVISION OF THIS DIVISION OR BY ANY OTHER LAW, RULE, OR REGULATION OF ANY KIND, THE CONDITION THAT IS THE MORE RESTRICTIVE GOVERNS.

(D) GENDER.

WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

(E) MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.

(1) MANDATORY TERMS.

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(2) PROHIBITORY TERMS.

“MUST NOT,” “MAY NOT,” AND “NO ? MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(3) PERMISSIVE TERMS.

“MAY” IS PERMISSIVE.

(F) NUMBER.

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

(G) REFERENCES TO OTHER LAWS.

WHENEVER A PROVISION OF THIS DIVISION III REFERS TO ANY PART OF THE CITY CODE OR TO ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

(H) SEVERABILITY.

ALL PROVISIONS OF THIS DIVISION III ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THESE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED BY THAT DECISION.

(I) TIME COMPUTATIONS.

(1) COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.

(I) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS DIVISION III, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT INCLUDED.

(II) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

(III) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.

(IV) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(2) COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.

(I) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS DIVISION III TO BE PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.

(II) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING DAY

THAT IS NOT A SATURDAY, SUNDAY OR LEGAL HOLIDAY.

§ 31-3. INCORPORATION BY REFERENCE.

(A) IN GENERAL.

FOR THE PURPOSES OF THIS DIVISION III, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

(1) THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR ANY SUBSEQUENT REVISIONS OF IT, WHICH SERVES AS THE OFFICIAL CITY GUIDE FOR SOIL EROSION AND SEDIMENT CONTROL PRINCIPLES, METHODS, AND PRACTICES; AND

(2) THE CITY'S EROSION AND SEDIMENT CONTROL MANUAL, WHICH SUPPLEMENTS THE STATE'S STANDARDS AND SPECIFICATIONS AS IT RELATES TO SOIL EROSION AND SEDIMENT CONTROL PRINCIPALS, METHODS, AND PRACTICES IN THE CITY.

(B) DEFINED TERMS.

(1) TERMS USED IN THE STANDARDS AND SPECIFICATIONS HAVE THE MEANINGS ASCRIBED TO THEM IN THAT DOCUMENT OR OTHERWISE BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

(2) THESE TERMS INCLUDE, AMONG OTHERS:

(I) "ADVERSE IMPACT".

(II) "GRADING UNIT".

(III) "MAXIMUM EXTENT PRACTICABLE".

(IV) "WATERSHED".

§ 31-4. PURPOSE, GOAL, AUTHORITY.

(A) PURPOSE.

THE PURPOSE OF THIS DIVISION III IS TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH LAND DISTURBANCES.

(B) GOAL.

THE GOAL OF THIS DIVISION III IS TO MINIMIZE SOIL EROSION AND PREVENT OFF-SITE SEDIMENTATION BY USING SOIL EROSION AND SEDIMENT CONTROL PRACTICES DESIGNED IN ACCORDANCE WITH GOVERNING LAW AND REGULATIONS.

(C) AUTHORITY.

THIS DIVISION III IS ADOPTED UNDER THE AUTHORITY OF STATE ENVIRONMENT ARTICLE, TITLE

4, SUBTITLE 1.

§ 31-5. ADMINISTRATION.

(A) IN GENERAL.

THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS IS RESPONSIBLE FOR ADMINISTERING AND ENFORCING THIS DIVISION III.

(B) RULES AND REGULATIONS.

(1) THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS DIVISION III.

(2) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

§ 31-6 TO 31-8. {RESERVED}

§ 31-8. PROHIBITED CONDUCT GENERALLY.

EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION III, NO PERSON MAY DISTURB LAND WITHOUT IMPLEMENTING SOIL EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH THIS DIVISION III AND THE STANDARDS AND SPECIFICATIONS.

§ 31-9. EXEMPTIONS.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) AGRICULTURAL LAND MANAGEMENT PRACTICES.

(I) IN GENERAL.

“AGRICULTURAL LAND MANAGEMENT PRACTICES” MEANS THOSE METHODS AND PROCEDURES USED IN THE CULTIVATION OF LAND TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF RELATED SOIL AND WATER RESOURCES.

(II) EXCLUSIONS.

“AGRICULTURAL LAND MANAGEMENT PRACTICES” DOES NOT INCLUDE LOGGING AND TIMBER REMOVAL OPERATIONS.

(3) BEST MANAGEMENT PRACTICE.

“BEST MANAGEMENT PRACTICE” MEANS A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT STORMWATER RUNOFF IN ORDER TO

MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.

(B) EXEMPT ACTIVITIES.

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM THIS DIVISION III:

- (1) AGRICULTURAL LAND MANAGEMENT PRACTICES;
- (2) AGRICULTURAL BEST MANAGEMENT PRACTICES;
- (3) CLEARING OR GRADING ACTIVITIES THAT DISTURB LESS THAN 5,000 SQUARE FEET OF LAND AREA AND DISTURB LESS THAN 100 CUBIC YARDS OF EARTH; AND
- (4) CLEARING OR GRADING ACTIVITIES THAT ARE SUBJECT EXCLUSIVELY TO STATE APPROVAL AND ENFORCEMENT UNDER STATE LAW AND REGULATIONS.

§ 31-10. VARIANCES.

(A) WHEN AUTHORIZED.

THE DEPARTMENT MAY GRANT A VARIANCE FROM ANY REQUIREMENT OF THIS DIVISION III IF, BECAUSE OF EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE, STRICT ADHERENCE TO THAT REQUIREMENT WILL RESULT IN EXCEPTIONAL HARDSHIP AND NOT FULFILL THE INTENT OF THIS DIVISION III.

(B) APPLICATION FOR VARIANCE.

THE APPLICATION FOR VARIANCE MUST:

- (I) BE IN THE FORM THAT THE DEPARTMENT REQUIRES;
- (II) STATE THE SPECIFIC VARIANCE SOUGHT;
- (III) EXPLAIN WHY THE VARIANCE IS NEEDED;
- (IV) CONTAIN ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES; AND
- (V) BE SUBMITTED TO THE DEPARTMENT WITH THE APPLICANT'S PROPOSED SITE DEVELOPMENT PLAN.

SUBTITLE 32. EROSION AND SEDIMENT CONTROL PLANS

§ 32-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) APPROVAL.

(1) IN GENERAL.

“APPROVAL” MEANS A DOCUMENTED ACTION BY THE DEPARTMENT FOLLOWING A COMPREHENSIVE REVIEW TO DETERMINE AND ACKNOWLEDGE THAT SUBMITTED MATERIALS DEMONSTRATE COMPLIANCE WITH THE REQUIREMENTS OF A SPECIFIED STAGE IN A PROJECT’S DEVELOPMENT PROCESS.

(2) EXCLUSIONS.

“APPROVAL” DOES NOT INCLUDE AN ACKNOWLEDGMENT BY THE DEPARTMENT THAT MATERIAL HAS BEEN RECEIVED FOR REVIEW.

(C) DRAINAGE AREA.

“DRAINAGE AREA” MEANS AN AREA, MEASURED IN A HORIZONTAL PLANE, THAT:

- (1) CONTRIBUTES RUNOFF TO A SINGLE POINT; AND
- (2) IS ENCLOSED BY A RIDGE LINE.

(D) STABILIZATION.

“STABILIZATION” MEANS THE PROTECTION OF EXPOSED SOILS FROM EROSION BY THE APPLICATION OF SEED AND MULCH, SEED AND MATTING, SOD, OTHER VEGETATIVE MEASURES, OR STRUCTURAL MEANS.

§ 32-2. PLANS REQUIRED.

EXCEPT AS OTHERWISE PROVIDED IN THIS DIVISION III, NO PERSON MAY GRADE LAND WITHOUT EROSION AND SEDIMENT CONTROL PLANS APPROVED BY THE DEPARTMENT.

§32-3. REVIEW AND APPROVAL OF PLANS.

(A) REVIEW AND COMMENT.

- (1) THE DEPARTMENT MUST COMPREHENSIVELY REVIEW EROSION AND SEDIMENT CONTROL PLANS FOR EACH PHASE OF THE SITE DESIGN TO DETERMINE COMPLIANCE WITH THIS DIVISION III.
- (2) FOR EACH PLAN PHASE, COORDINATED COMMENTS WILL BE PROVIDED THAT REFLECT INPUT FROM ALL APPROPRIATE AGENCIES, INCLUDING PLANNING, ZONING, AND PUBLIC WORKS.
- (3) AT EACH PHASE OF PROJECT DESIGN, COMMENTS FROM THE DEPARTMENT AND OTHER APPROPRIATE AGENCIES MUST BE ADDRESSED BY THE APPLICANT AND APPROVAL RECEIVED BEFORE SUBSEQUENT SUBMISSIONS.

(B) CONDITIONS.

IN APPROVING A PLAN, THE DEPARTMENT MAY IMPOSE CONDITIONS THAT THE DEPARTMENT CONSIDERS NECESSARY OR APPROPRIATE TO ENSURE:

- (1) COMPLIANCE WITH THIS DIVISION III; AND
  - (2) THE PRESERVATION OF PUBLIC HEALTH AND SAFETY.
- (C) NOTIFICATION.

AFTER THE DEPARTMENT HAS COMPLETED ITS COMPREHENSIVE REVIEW FOR EACH PHASE OF SITE DESIGN, THE DEPARTMENT MUST NOTIFY THE APPLICANT OF EITHER:

- (1) THE DEPARTMENT'S APPROVAL OF THE PLAN;
- (2) THE DEPARTMENT'S DISAPPROVAL OF THE PLAN, TOGETHER WITH:
  - (I) THE REASONS FOR DISAPPROVAL; AND
  - (II) ANY MODIFICATIONS THAT THE DEPARTMENT REQUIRES FOR APPROVAL; OR
- (3) IF NO DECISION HAS BEEN MADE:
  - (I) THE STATUS OF THE REVIEW PROCESS; AND
  - (II) THE ANTICIPATED DATE OF COMPLETION.

(D) ENDORSEMENT.

- (1) THE FINAL EROSION AND SEDIMENT CONTROL PLAN MAY NOT BE CONSIDERED APPROVED WITHOUT THE INCLUSION OF THE DEPARTMENT'S DATED SIGNATURE ON THE PLAN.
- (2) APPROVED PLANS REMAIN VALID FOR 2 YEARS FROM THE DATE OF APPROVAL, UNLESS EXTENDED OR RENEWED BY THE DEPARTMENT.

(E) "GRANDFATHERING" OF APPROVED PLANS.

- (1) ANY PLANS THAT RECEIVE FINAL APPROVAL AFTER JANUARY 9, 2013, MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS DIVISION III AND THE STANDARDS AND SPECIFICATIONS.
- (2) A PLAN THAT RECEIVES FINAL APPROVAL ON OR BEFORE JANUARY 9, 2013, MAY BE REAPPROVED UNDER ITS EXISTING CONDITIONS, EXCEPT FOR STABILIZATION REQUIREMENTS, IF GRADING ACTIVITIES BEGIN ON THE SITE ON OR BEFORE JANUARY 9, 2015.
- (3) STABILIZATION PRACTICES ON ALL SITES MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS DIVISION III AND THE STANDARDS AND SPECIFICATIONS ON OR BEFORE JANUARY 9, 2013, REGARDLESS OF WHEN AN APPROVED EROSION AND SEDIMENT CONTROL PLAN WAS APPROVED.

§ 32-4. CONTENTS OF PLANS.

- (A) SUBMISSION.

AN APPLICANT IS RESPONSIBLE FOR SUBMITTING EROSION AND SEDIMENT CONTROL PLANS THAT MEET THE REQUIREMENTS OF THE DEPARTMENT, THIS DIVISION III, AND ALL OTHER APPLICABLE PROVISIONS OF THE BALTIMORE CITY CODE.

(B) TENOR OF PLANS.

THE PLANS MUST INCLUDE SUFFICIENT INFORMATION TO EVALUATE:

- (1) THE ENVIRONMENTAL CHARACTERISTICS OF THE AFFECTED AREAS;
- (2) THE POTENTIAL IMPACTS OF THE PROPOSED GRADING ON WATER RESOURCES; AND
- (3) THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED TO MINIMIZE SOIL EROSION AND OFF-SITE SEDIMENTATION.

(C) MINIMUM INFORMATION.

AT A MINIMUM, APPLICANTS MUST SUBMIT THE FOLLOWING INFORMATION FOR THE CONCEPT, SITE DEVELOPMENT, AND FINAL EROSION AND SEDIMENT CONTROL PHASES OF PROJECT DESIGN:

- (1) A LETTER OF TRANSMITTAL OR APPLICATION;
- (2) A VICINITY MAP INDICATING NORTH ARROW, SCALE, SITE LOCATION, AND OTHER INFORMATION NECESSARY TO EASILY LOCATE THE PROPERTY;
- (3) PLAN SUBMITTALS AS SPECIFIED IN § 32-5 {"CONCEPT PLAN"}, § 32-6 {"SITE DEVELOPMENT PLAN"}, AND § 32-7 FINAL ... PLANS"; AND
- (4) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF:
  - (I) THE OWNER OF THE PROPERTY WHERE THE GRADING IS PROPOSED;
  - (II) THE DEVELOPER; AND
  - (III) THE APPLICANT.

§ 32-5. CONCEPT PLAN.

(A) IN GENERAL.

THE APPLICANT MUST SUBMIT A CONCEPT PLAN THAT PROVIDES SUFFICIENT INFORMATION FOR AN INITIAL ASSESSMENT OF THE PROPOSED PROJECT AND WHETHER EROSION AND SEDIMENT CONTROL CAN BE PROVIDED ACCORDING TO THIS DIVISION III.

(B) MINIMUM CONTENTS.

PLANS SUBMITTED FOR CONCEPT APPROVAL MUST INCLUDE:

- (1) A MAP, AT A SCALE SPECIFIED BY THE DEPARTMENT, SHOWING:

- (I) THE PROPOSED LIMIT OF DISTURBANCE;
- (II) TOPOGRAPHY;
  - (III) EXISTING NATURAL RESOURCES;
  - (IV) WETLANDS;
  - (V) FLOODPLAINS;
  - (VI) WATER BODIES;
  - (VII) HIGHLY ERODIBLE SOILS;
  - (VIII) NATURAL DRAINAGE PATTERNS; AND
  - (IX) ANY OTHER SENSITIVE AREAS TO BE PROTECTED DURING CONSTRUCTION;
- (2) A GENERAL DESCRIPTION OF THE PREDOMINANT SOIL TYPES ON THE SITE, AS DESCRIBED BY THE APPROPRIATE SOIL SURVEY INFORMATION AVAILABLE THROUGH THE LOCAL SOIL CONSERVATION DISTRICT OR THE USDA NATURAL RESOURCES SOIL CONSERVATION SERVICE;
- (3) THE ANTICIPATED LOCATION OF ALL:
  - (I) IMPERVIOUS AREAS;
  - (II) BUILDINGS;
  - (III) ROADWAYS;
  - (IV) PARKING;
  - (V) SIDEWALKS;
  - (VI) UTILITIES; AND
  - (VII) OTHER SITE IMPROVEMENTS; AND
- (4) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

§ 32-6. SITE DEVELOPMENT PLAN.

- (A) IN GENERAL.

UNLESS OTHERWISE DIRECTED BY THE DEPARTMENT, AFTER APPROVAL OF THE CONCEPT PLAN, THE APPLICANT MUST SUBMIT SITE DEVELOPMENT PLANS THAT REFLECT COMMENTS RECEIVED DURING THE PREVIOUS REVIEW PHASE.

- (B) MINIMUM CONTENTS.

PLANS SUBMITTED FOR SITE DEVELOPMENT APPROVAL MUST BE OF SUFFICIENT DETAIL TO ALLOW SITE DEVELOPMENT TO BE REVIEWED AND MUST INCLUDE:

- (1) ALL INFORMATION PROVIDED DURING THE CONCEPT PLAN REVIEW PHASE;
- (2) DRAINAGE AREA MAPS THAT SHOW, AT A MINIMUM SCALE OF 1" = 200':
  - (I) EXISTING, INTERIM, AND PROPOSED TOPOGRAPHY;
  - (II) PROPOSED IMPROVEMENTS;
  - (III) STANDARD SYMBOLS FOR PROPOSED SEDIMENT CONTROL FEATURES; AND
  - (IV) PERTINENT DRAINAGE INFORMATION, INCLUDING PROVISIONS TO PROTECT DOWNSTREAM AREAS FROM EROSION FOR A MINIMUM OF 200 FEET DOWNSTREAM OR TO THE NEXT CONVEYANCE SYSTEM;
- (3) A PROPOSED EROSION AND SEDIMENT CONTROL PLAN THAT CONTAINS:
  - (I) THE EXISTING AND PROPOSED TOPOGRAPHY AND IMPROVEMENTS, AT A SCALE BETWEEN 1" = 10' AND 1" = 50' WITH 2 FOOT CONTOURS OR OTHER APPROVED CONTOUR INTERVAL;
  - (II) INTERIM CONTOURS FOR PROJECTS WITH MORE THAN MINOR GRADING, IF REQUIRED BY THE DEPARTMENT;
  - (III) SCALE, PROJECT, AND SHEET TITLE, AND NORTH ARROW ON EACH PLAN SHEET;
  - (IV) THE LIMIT OF DISTURBANCE, INCLUDING:
    - A. LIMIT OF GRADING (GRADING UNITS, IF APPLICABLE); AND
    - B. INITIAL, INTERIM, AND FINAL PHASES;
  - (V) STORM DRAINAGE FEATURES, INCLUDING:
    - A. EXISTING AND PROPOSED BRIDGES, STORM DRAINS, CULVERTS, OUTFALLS, ETC.;
    - B. VELOCITIES AND PEAK FLOW RATES AT OUTFALLS FOR THE 2-YEAR AND 10-YEAR FREQUENCY STORM EVENTS; AND
    - C. SITE CONDITIONS AROUND POINTS OF ALL SURFACE WATER DISCHARGE FROM THE SITE;
  - (VI) ANY PHASING NECESSARY TO LIMIT EARTH DISTURBANCES AND IMPACTS TO NATURAL RESOURCES; AND
  - (VII) AN OVERLAY PLAN THAT SHOWS THE TYPES AND LOCATIONS OF STORMWATER PRACTICES AND EROSION AND SEDIMENT CONTROL PRACTICES TO BE USED;
- (4) A NARRATIVE THAT INDICATES HOW PROPOSED EROSION AND SEDIMENT CONTROL PRACTICES WILL BE INTEGRATED WITH PROPOSED STORMWATER MANAGEMENT STRATEGY

USING ENVIRONMENTAL SITE DESIGN IN ACCORDANCE WITH DIVISION II OF THIS ARTICLE; AND

(5) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

§ 32-7. FINAL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS.

(A) IN GENERAL.

AFTER SITE DEVELOPMENT PLAN APPROVAL, THE APPLICANT MUST SUBMIT FINAL EROSION AND SEDIMENT CONTROL PLANS AND STORMWATER MANAGEMENT PLANS THAT REFLECT THE COMMENTS RECEIVED DURING THE PREVIOUS REVIEW PHASE.

(B) MINIMUM CONTENTS.

PLANS SUBMITTED FOR FINAL APPROVAL MUST BE OF SUFFICIENT DETAIL TO ALLOW ALL APPROVALS AND PERMITS TO BE ISSUED AND MUST INCLUDE:

(1) ALL INFORMATION PROVIDED DURING THE CONCEPT AND SITE DEVELOPMENT PLAN REVIEW PHASE;

(2) EROSION AND SEDIMENT CONTROL PRACTICES TO MINIMIZE ON-SITE EROSION AND PREVENT OFF-SITE SEDIMENTATION, INCLUDING:

(I) THE SALVAGE AND REUSE OF TOPSOIL;

(II) PHASED CONSTRUCTION AND IMPLEMENTATION OF GRADING UNIT(S) TO MINIMIZE DISTURBANCES, BOTH IN EXTENT AND DURATION;

(III) LOCATION AND TYPE OF ALL PROPOSED SEDIMENT CONTROL PRACTICES;

(IV) DESIGN DETAILS AND DATA FOR ALL EROSION AND SEDIMENT CONTROL PRACTICES; AND

(V) SPECIFICATIONS FOR TEMPORARY AND PERMANENT STABILIZATION MEASURES, INCLUDING AT A MINIMUM:

A. THE "STANDARD STABILIZATION NOTE" ON THE PLAN STATING:

"FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION MUST BE COMPLETED WITHIN:

1. 3 CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1); AND

2. 7 CALENDAR DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING.";

B. DETAILS FOR AREAS REQUIRING ACCELERATED STABILIZATION; AND

C. MAINTENANCE REQUIREMENTS AS DEFINED IN THE STANDARDS AND SPECIFICATIONS;

(3) A SEQUENCE OF CONSTRUCTION THAT:

(I) DESCRIBES THE RELATIONSHIP BETWEEN THE IMPLEMENTATION OF CONTROLS AND THE MAINTENANCE OF CONTROLS, INCLUDING PERMANENT AND TEMPORARY STABILIZATION, AND THE VARIOUS STAGES OR PHASES OF EARTH DISTURBANCE AND CONSTRUCTION; AND

(II) INCLUDES THE FOLLOWING, AT A MINIMUM:

- A. REQUEST FOR A PRE-CONSTRUCTION MEETING WITH THE DEPARTMENT;
- B. CLEARING AND GRUBBING AS NECESSARY FOR THE INSTALLATION OF PERIMETER CONTROLS;
- C. CONSTRUCTION AND STABILIZATION OF PERIMETER CONTROLS;
- D. REMAINING CLEARING AND GRUBBING WITHIN INSTALLED PERIMETER CONTROLS;
- E. ROAD GRADING;
- F. GRADING FOR THE REMAINDER OF THE SITE;
- F. UTILITY INSTALLATION AND CONNECTIONS TO EXISTING STRUCTURES;
- G. CONSTRUCTION OF BUILDINGS AND ROADS;
- H. OTHER CONSTRUCTION;
- I. FINAL GRADING, LANDSCAPING, AND STABILIZATION;
- J. INSTALLATION OF STORMWATER MANAGEMENT MEASURES;
- K. OBTAINING APPROVAL BY THE DEPARTMENT BEFORE REMOVAL OF SEDIMENT CONTROLS; AND
- L. REMOVAL OF SEDIMENT CONTROLS AND STABILIZATION OF AREAS THAT ARE DISTURBED BY THE REMOVAL;

(4) A STATEMENT REQUIRING THE OWNER, DEVELOPER, OR REPRESENTATIVE TO CONTACT THE DEPARTMENT OR ITS AGENT AT THE FOLLOWING STAGES OF THE PROJECT OR IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN, GRADING PERMIT, OR BUILDING PERMIT:

(I) BEFORE THE START OF EARTH DISTURBANCE;

(II) AFTER THE INSTALLATION OF PERIMETER EROSION AND SEDIMENT CONTROLS IS COMPLETE, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH DISTURBANCE OR GRADING;

(III) BEFORE THE START OF ANOTHER PHASE OF CONSTRUCTION OR THE OPENING OF ANOTHER GRADING UNIT; AND

(IV) BEFORE THE REMOVAL OF SEDIMENT CONTROL PRACTICES;

(5) CERTIFICATION BY THE OWNER OR DEVELOPER THAT:

(I) ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT WILL BE DONE PURSUANT TO THE APPROVED EROSION AND SEDIMENT CONTROL PLAN; AND

(II) THE RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE, BEFORE THE PROJECT BEGINS, A CERTIFICATE OF TRAINING FROM AN MDE APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT; AND

(III) THE CITY DEPARTMENT OF PUBLIC WORKS, CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND MARYLAND DEPARTMENT OF THE ENVIRONMENT WILL BE ALLOWED RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION; AND

(6) IF REQUIRED BY THE DEPARTMENT OR THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, CERTIFICATION BY A PROFESSIONAL ENGINEER, LAND SURVEYOR, LANDSCAPE ARCHITECT, ARCHITECT, OR FORESTER (FOR FOREST HARVEST OPERATIONS ONLY) REGISTERED IN THE STATE THAT THE PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH EROSION AND SEDIMENT CONTROL LAWS, REGULATIONS, AND STANDARDS; AND

(7) ANY ADDITIONAL INFORMATION CONSIDERED APPROPRIATE BY THE DEPARTMENT.

#### § 32-8. MODIFICATIONS TO PLANS.

(A) IN GENERAL.

THE DEPARTMENT MAY APPROVE MODIFICATIONS TO APPROVED PLANS AS NECESSARY.

(B) WHO MAY REQUEST.

MODIFICATIONS MAY BE REQUESTED BY THE OWNER OR DEVELOPER OR BY THE DEPARTMENT.

(C) MINOR MODIFICATIONS

(1) THE DEPARTMENT MAY INCLUDE IN ITS EROSION AND SEDIMENT CONTROL MANUAL A LIST OF MINOR MODIFICATIONS THAT THE DEPARTMENT MAY APPROVE AS FIELD REVISIONS.

(2) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT MUST APPROVE THE LIST BEFORE ITS IMPLEMENTATION.

#### § 32-9. STANDARD EROSION AND SEDIMENT CONTROL PLAN.

(A) DEPARTMENT MAY ADOPT.

THE DEPARTMENT MAY INCLUDE IN ITS EROSION AND SEDIMENT CONTROL MANUAL A STANDARD EROSION AND SEDIMENT CONTROL PLAN FOR ACTIVITIES WITH MINOR EARTH DISTURBANCES, SUCH AS SINGLE-FAMILY RESIDENCES, SMALL COMMERCIAL AND OTHER SIMILAR BUILDING SITES, MINOR MAINTENANCE GRADING, AND MINOR UTILITY CONSTRUCTION.

(B) REQUIREMENTS.

(1) A STANDARD EROSION AND SEDIMENT CONTROL PLAN MUST MEET THE REQUIREMENTS OF THIS DIVISION III AND THE STANDARDS AND SPECIFICATIONS.

(2) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT MUST APPROVE THE STANDARD PLAN BEFORE ITS ADOPTION.

SUBTITLE 33. PERMITS; FEES; SECURITY

§ 33-1. APPROVED PLAN PREREQUISITE TO PERMITS.

FOR ANY DEVELOPMENT THAT REQUIRES AN EROSION AND SEDIMENT CONTROL PLAN UNDER THIS DIVISION III, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED OR EXTENDED UNLESS A FINAL EROSION AND SEDIMENT CONTROL PLAN HAS BEEN APPROVED BY THE DEPARTMENT.

§ 33-2. FEES.

(A) PAYABLE AT EACH PHASE.

NON-REFUNDABLE FEES WILL BE ASSESSED AND COLLECTED IN ADVANCE BY THE DEPARTMENT FOR EACH PHASE OF A DEVELOPMENT.

(B) FEE SCHEDULE.

(1) THE FEES ASSESSED UNDER THIS DIVISION III ARE IN ADDITION TO THE USUAL FEES CHARGED FOR GRADING AND BUILDING PERMITS.

(2) FEES ARE ASSESSED FOR PLAN REVIEWS, ADMINISTRATION AND MANAGEMENT OF THE APPROVAL PROCESS, INSPECTIONS, AND THE LIKE.

(3) THE AMOUNT OF THE FEES ARE AS SET FORTH IN THE FEE SCHEDULE ESTABLISHED FROM TIME TO TIME BY THE BOARD OF ESTIMATES. THE FEE SCHEDULE SHALL BE BASED ON THE RELATIVE COMPLEXITY OF A PROJECT.

§ 33-3. PERFORMANCE BOND.

(A) REQUIRED.

FOR ANY DEVELOPMENT THAT REQUIRES AN EROSION AND SEDIMENT CONTROL PLAN UNDER THIS DIVISION III, A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED UNTIL THE APPLICANT POSTS A SURETY OR CASH BOND OR OTHER MEANS OF SECURITY ACCEPTABLE TO THE DEPARTMENT.

(B) AMOUNT.

(1) THE AMOUNT OF THE SECURITY MUST BE EQUAL TO AT LEAST THE ESTIMATED COST OF THE INSTALLATION, MAINTENANCE, AND REMOVAL OF THE EROSION AND SEDIMENT CONTROLS SHOWN ON THE APPROVED PLAN.

(2) THIS ESTIMATE MUST BE PREPARED BY THE APPLICANT AND SUBMITTED WITH THE PLAN.

(C) TENOR.

THE SECURITY REQUIRED BY THIS SECTION MUST PROVIDE FOR FORFEITURE ON FAILURE TO:

(1) COMPLETE ALL WORK SPECIFIED IN THE APPROVED EROSION AND SEDIMENT CONTROL PLAN;

(2) COMPLY WITH ANY PROVISION OF THIS DIVISION III OR OF ANY OTHER APPLICABLE LAW, RULE, OR REGULATION; OR

(3) COMPLY WITH ANY APPLICABLE TIME LIMITATIONS.

(D) RELEASE.

THE SECURITY MAY NOT BE RELEASED UNTIL THE DEPARTMENT CONDUCTS A FINAL INSPECTION OF THE COMPLETED WORK.

#### SUBTITLE 34. INSPECTIONS; INVESTIGATIONS

##### § 34-1. INSPECTIONS REQUIRED.

(A) IN GENERAL

EVERY ACTIVE SITE HAVING AN APPROVED EROSION AND SEDIMENT CONTROL PLAN SHOULD BE INSPECTED FOR COMPLIANCE WITH THE PLAN ON AN AVERAGE OF ONCE EVERY 2 WEEKS.

(B) PLAN TO BE MAINTAINED ON SITE.

THE OWNER OR DEVELOPER MUST MAINTAIN A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN ON SITE.

##### § 34-2. BY WHOM CONDUCTED.

ALL INSPECTIONS UNDER THIS DIVISION III MUST BE CONDUCTED BY:

(1) THE DEPARTMENT; OR

(2) THE DEPARTMENT'S AUTHORIZED REPRESENTATIVE.

##### § 34-3. REPORTS ON INSPECTIONS.

(A) REQUIRED.

THE DEPARTMENT MUST PREPARE A WRITTEN REPORT AFTER EVERY INSPECTION.

(B) CONTENTS.

THE REPORT MUST DESCRIBE:

- (1) THE DATE AND LOCATION OF THE SITE INSPECTION;
- (2) WHETHER THE APPROVED PLAN HAS BEEN PROPERLY IMPLEMENTED AND MAINTAINED;
- (3) PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT CONTROL PLAN DEFICIENCIES;
- (4) IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT ACTION TAKEN; AND
- (5) IF APPLICABLE, A DESCRIPTION OF ANY MODIFICATIONS TO THE PLAN.

§§ 34-4 TO 34-5. {RESERVED}

§ 34-6. RIGHT OF ENTRY.

IT IS A CONDITION OF EVERY GRADING OR BUILDING PERMIT THAT THE DEPARTMENT HAS THE RIGHT TO ENTER PROPERTY PERIODICALLY TO INSPECT FOR COMPLIANCE WITH THE APPROVED PLAN AND THIS DIVISION III.

§ 34-7. INVESTIGATIONS.

(A) ON COMPLAINT.

THE DEPARTMENT MUST:

- (1) ACCEPT AND INVESTIGATE COMPLAINTS FROM INTERESTED PERSONS ABOUT EROSION AND SEDIMENT CONTROL ISSUES;
- (2) CONDUCT AN INITIAL INVESTIGATION WITHIN 3 WORKING DAYS FROM RECEIPT OF THE COMPLAINT;
- (3) NOTIFY THE COMPLAINANT OF THE INITIAL INVESTIGATION AND FINDINGS WITHIN 7 DAYS FROM RECEIPT OF THE COMPLAINT; AND
- (4) TAKE APPROPRIATE ACTION WHEN VIOLATIONS ARE DISCOVERED DURING THE COURSE OF THE COMPLAINT INVESTIGATION.

(B) ON OWN INITIATIVE.

THE DEPARTMENT MAY ALSO UNDERTAKE, ON ITS OWN INITIATIVE, INVESTIGATIONS OF SUSPECTED EROSION AND SEDIMENT CONTROL ISSUES ON ALL PROPERTIES.

SUBTITLE 35. ENFORCEMENT; REVIEWS; PENALTIES

§ 35-1. VIOLATION NOTICES.

(A) NOTICE REQUIRED.

IF A VIOLATION IS FOUND, THE DEPARTMENT MUST PROVIDE WRITTEN NOTICE OF THE VIOLATION TO:

- (1) THE OWNER OR DEVELOPER; AND
- (2) THE RESPONSIBLE PERSONNEL.

(B) CONTENTS.

THE NOTICE MUST DESCRIBE:

- (1) THE NATURE OF THE VIOLATION;
- (2) THE REQUIRED CORRECTIVE ACTION; AND
- (3) THE TIME PERIOD WITHIN WHICH THE VIOLATION MUST BE CORRECTED.

§ 35-2. ENFORCEMENT OF NOTICE.

(A) IN GENERAL.

ANY ONE OR A COMBINATION OF THE FOLLOWING ACTIONS MAY BE TAKEN TO ENFORCE A VIOLATION NOTICE.

(B) STOP WORK ORDER.

IF A VIOLATION PERSISTS AFTER ISSUANCE OF A VIOLATION NOTICE, THE DEPARTMENT MAY ISSUE A STOP WORK ORDER FOR THE SITE.

(C) BOND FORFEITURE; OTHER ACTION.

IF REASONABLE EFFORTS TO CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN, THE DEPARTMENT MAY:

- (1) CAUSE THE PERFORMANCE BOND OR OTHER SECURITY TO BE FORFEITED; AND
- (2) REFER THE MATTER FOR LEGAL ACTION, INCLUDING PURSUIT OF CRIMINAL AND CIVIL PENALTIES UNDER § 35-9 OF THIS SUBTITLE.

(D) CIVIL LIABILITY.

IN ADDITION TO ANY OTHER SANCTION UNDER THIS DIVISION III, A PERSON WHO FAILS TO INSTALL OR MAINTAIN EROSION AND SEDIMENT CONTROLS IN ACCORDANCE WITH AN APPROVED PLAN IS LIABLE IN A CIVIL ACTION TO THE CITY OR THE STATE, AS THE CASE MAY BE, FOR DAMAGES IN AN AMOUNT EQUAL TO DOUBLE THE COST OF INSTALLING OR MAINTAINING THE CONTROLS.

§ 35-3. INJUNCTIVE RELIEF.

ANY STATE OR CITY AGENCY OR ANY INTERESTED PERSON MAY SEEK AN INJUNCTION AGAINST ANY PERSON WHO VIOLATES OR THREATENS TO VIOLATE ANY PROVISION OF THIS DIVISION III.

§ 35-4. {RESERVED}

§ 35-5. ADMINISTRATIVE REVIEW - IN GENERAL.

(A) RIGHT OF APPEAL.

ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THIS DIVISION III, WHETHER AS THE RESULT OF THE DISAPPROVAL OF AN APPLICATION, THE ISSUANCE OF A VIOLATION NOTICE, AN ALLEGED FAILURE TO PROPERLY ENFORCE THIS DIVISION III, OR OTHERWISE, MAY APPEAL THE ACTION TO THE DIRECTOR OF PUBLIC WORKS.

(B) WHEN AND HOW TAKEN.

THE APPEAL MUST:

- (1) BE IN WRITING;
- (2) CLEARLY STATE THE GROUNDS ON WHICH THE APPEAL IS BASED; AND
- (3) BE FILED WITH THE DIRECTOR WITHIN 10 DAYS OF THE ACTION IN DISPUTE.

§ 35-6. ADMINISTRATIVE REVIEW - DELEGATION OF HEARING AUTHORITY.

(A) IN GENERAL.

HEARINGS MAY BE CONDUCTED BY:

- (1) THE DIRECTOR OF PUBLIC WORKS; OR
- (2) A HEARING OFFICER DESIGNATED BY THE DIRECTOR.

(B) SCOPE OF DELEGATION.

THE DIRECTOR MAY DELEGATE TO A HEARING OFFICER THE AUTHORITY TO ISSUE:

- (1) PROPOSED OR FINAL FINDINGS OF FACT;
- (2) PROPOSED OR FINAL CONCLUSIONS OF LAW;
- (3) PROPOSED OR FINAL FINDINGS OF FACT AND CONCLUSIONS OF LAW;
- (4) PROPOSED OR FINAL ORDERS; OR
- (5) THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT.

§ 35-7. ADMINISTRATIVE REVIEW - CONDUCT OF HEARING.

(A) NOTICE.

- (1) THE DIRECTOR OF PUBLIC WORKS MUST PROVIDE ALL PARTIES REASONABLE WRITTEN NOTICE OF THE HEARING.

(2) THE NOTICE MUST STATE:

(I) THE DATE, TIME, PLACE, AND NATURE OF THE HEARING;

(II) THE RIGHT OF A PARTY TO BE REPRESENTED, AT THE PARTY'S OWN EXPENSE, BY AN ATTORNEY OR, IF PERMITTED BY LAW, OTHER REPRESENTATIVE;

(III) THE RIGHT OF A PARTY TO CALL WITNESSES AND SUBMIT DOCUMENTS OR OTHER EVIDENCE UNDER § 35-8 OF THIS SUBTITLE; AND

(IV) THAT FAILURE OF A PARTY TO APPEAR FOR THE SCHEDULED HEARING MAY RESULT IN AN ADVERSE ACTION AGAINST THE PARTY.

(B) HEARINGS TO BE OPEN AND INFORMAL.

EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY RULE OR REGULATION OF THE DEPARTMENT, ALL HEARINGS MUST BE:

(1) OPEN TO THE PUBLIC; AND

(2) CONDUCTED IN AN ORDERLY BUT INFORMAL MANNER.

§ 35-8. ADMINISTRATIVE REVIEW - EVIDENCE.

(A) IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION OR BY RULE OR REGULATION OF THE DEPARTMENT, FORMAL RULES OF EVIDENCE AND TRIAL PROCEDURES DO NOT APPLY.

(B) RIGHT TO SUBMIT.

ON A GENUINE ISSUE OF FACT, A PARTY IS ENTITLED TO:

(1) CALL WITNESSES;

(2) OFFER EVIDENCE, INCLUDING REBUTTAL EVIDENCE;

(3) CROSS-EXAMINE ANY WITNESS THAT ANOTHER PARTY OR THE DEPARTMENT CALLS; AND

(4) PRESENT SUMMATION AND ARGUMENT.

(B) SCOPE.

THE DIRECTOR OR HEARING OFFICER:

(1) MAY ADMIT PROBATIVE EVIDENCE THAT REASONABLE AND PRUDENT INDIVIDUALS COMMONLY ACCEPT IN THE CONDUCT OF THEIR AFFAIRS AND GIVE PROBATIVE EFFECT TO THAT EVIDENCE;

- (2) MAY NOT EXCLUDE EVIDENCE SOLELY ON THE BASIS THAT IT IS HEARSAY;
- (3) MUST GIVE EFFECT TO A PRIVILEGE RECOGNIZED BY LAW;
- (4) MAY RECEIVE DOCUMENTARY EVIDENCE IN THE FORM OF COPIES OR EXCERPTS OR THROUGH INCORPORATION BY REFERENCE;
- (5) MAY TAKE OFFICIAL NOTICE OF A FACT THAT IS JUDICIALLY NOTICEABLE OR THAT IS GENERAL, TECHNICAL, OR SCIENTIFIC AND WITHIN THE SPECIALIZED KNOWLEDGE OF THE DEPARTMENT; AND
- (6) MAY EXCLUDE EVIDENCE THAT IS:
  - (I) INCOMPETENT;
  - (II) IRRELEVANT;
  - (III) IMMATERIAL; OR
  - (IV) UNDULY REPETITIOUS.

§ 35-9. ADMINISTRATIVE REVIEW - FINAL DECISIONS.

(A) FORM AND CONTENTS.

A FINAL DECISION MUST:

- (1) BE IN WRITING; AND
- (2) CONTAIN SEPARATE STATEMENTS OF:
  - (I) THE FINDINGS OF FACT;
  - (II) THE CONCLUSIONS OF LAW; AND
  - (III) THE DECISION OR ORDER.

(B) DISTRIBUTION.

A COPY OF THE FINAL DECISION MUST BE MAILED OR DELIVERED TO EACH PARTY OR THAT PARTY'S ATTORNEY OF RECORD.

§ 35-10. {RESERVED}

§ 35-11. JUDICIAL AND APPELLATE REVIEW.

(A) JUDICIAL REVIEW.

A PARTY AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

§ 35-12. {RESERVED}

§ 35-13. PENALTIES.

(A) CIVIL FINES.

- (1) THE DEPARTMENT MAY IMPOSE CIVIL FINES FOR VIOLATIONS OF THIS DIVISION III.
- (2) THE AMOUNT OF THE FINES ARE AS SET FORTH IN THE FINE SCHEDULE ESTABLISHED FROM TIME TO TIME BY THE DEPARTMENT WITH THE APPROVAL OF THE BOARD OF ESTIMATES.
- (3) NO FINE MAY EXCEED \$1,000 FOR ANY 1 OFFENSE.

(B) CRIMINAL PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS DIVISION III OR OF ANY RULE OR REGULATION ADOPTED UNDER OR INCORPORATED INTO THIS DIVISION III IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(C) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

SECTION 3 AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Division II. Stormwater Management

Subtitle 21. Definitions; General Provisions

§ 21-1. Definitions.

(b-1) Approval.

(1) In general.

“Approval” means a documented action by the Department following a comprehensive review to determine and acknowledge [the sufficiency of] THAT submitted materials [to] demonstrate compliance with the requirements of a specified stage in [the development] A PROJECT’S process [of a project].

(2) Exclusions.

“Approval” does not include an acknowledgment by the Department that material has been received for review.

(u) Sediment.

“Sediment” means soils or other surficial materials that are the product of erosion and are transported or deposited by the action of wind, water, ice, [or] gravity, OR ARTIFICIAL MEANS.

(w-2) Stormwater management [systems] SYSTEM.

“Stormwater management [systems] SYSTEM” means A SYSTEM OF natural areas, environmental site design practices, stormwater management [measures] PRACTICES, and any [other] structure through which stormwater flows, infiltrates, or discharges from a site.

Subtitle 22. Stormwater Management Plans

§ 22-5. Contents of plan.

(c) Site development plan.

(3) These plans must include the following, minimum information:

(i) all information provided during the concept plan review phase;

(ii) final site layout, including:

A. exact impervious area locations and acreages;

B. proposed topography;

C. delineated drainage areas at all points of discharge from the site; and

D. stormwater volume computations for environmental site design practices and quantity control structures;

[(iii) a proposed erosion and sediment control plan that contains:

A. the construction sequence;

B. any phasing necessary to limit earth disturbances and impacts to natural resources; and

C. an overlay plan that shows the types and locations of environmental site design practices and erosion and sediment control practices to be used;]

(III) [(iv)] a narrative that:

A. supports the site development design;

B. describes how environmental site design will be used to meet the minimum control requirements; and

C. justifies any proposed structural stormwater management or alternative practice measure; and

(IV) [(v)] any other information the Department requires.

(d) Final [erosion and sediment control and] stormwater management plans.

(1) After site development approval, the applicant must submit final [erosion and sediment control and] stormwater management plans that reflect the comments received during the previous review phase.

(2) [Plans submitted for final approval must be of sufficient detail to allow all approvals and permits to be issued as follows: (i) final erosion and sediment control plans must be submitted according to COMAR 26.17.01.05; and (ii) final stormwater] STORMWATER management plans SUBMITTED FOR FINAL APPROVAL must be [submitted] in the form of construction drawings, IN SUFFICIENT DETAIL TO ALLOW ALL APPROVALS AND PERMITS TO BE ISSUED, AND accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.

SECTION 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on February 6, 2013.

dlr12-241~intro/17Oct12  
art7/Erosion,SedmntContl/aa:me

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art7/Erosion,SedmntContl/aa:me