



**Department of the Environment**

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# Erosion and Sediment Control and Stormwater Management

**Marcellus Shale Safe Drilling Commission  
Advisory Commission**

**January 6, 2014  
Presented by Jay Sakai, MDE**





# Maryland's Stormwater Laws and Regulations

- Maryland's erosion and sediment control and stormwater management regulations (COMAR 26.17.01.05 and 26.17.02.05) require approved plans for all grading activities that disturb:
  - 100 cubic yards of earth or more
  - 5,000 square feet or more of land area





# 2011 Erosion and Sediment Control Regulations

- 20 acre grading unit
  - minimizes total disturbed area
- 3 to 7 day stabilization requirements
  - minimizes the exposure of disturbed soils
- Protection of natural resource areas
  - steep slopes, highly erodible soils, wetlands
- Standards and Specifications Handbook
  - details a set of filtering and control practices that prevent sediment from leaving a site



# 2007 Stormwater Management Act



- The Stormwater Management Act of 2007 requires the implementation of environmental site design (ESD) to the maximum extent practicable
- ESD is defined as using small-scale stormwater management practices, non-structural techniques, and site planning to mimic natural hydrologic runoff characteristics (woods in good condition) and minimize the impact of land development on water resources.



# Cause for Enforcement

- Direct acts of pollution
- Starting construction without an approved erosion and sediment control plans
- Noncompliance with the approved plans
- Failure to make corrections
- Recurring minor violations
- Working outside approved limits of disturbance





# Progressive Enforcement

- Field investigation report
- Violation notice
- Administrative fine
- Stop work order
- Initiate bond default
- Civil or criminal penalty
- Any action can be taken at any time in the enforcement process

## OFFICIAL NOTICE

IT IS THE DEVELOPERS/BUILDERS RESPONSIBILITY TO PREVENT THE FOLLOWING ENVIRONMENTAL VIOLATIONS:

### NOTICE

THE TRACKING AND DEPOSITION OF SOIL, GRAVEL, MUD, ETC. ONTO ROADS IS A VIOLATION OF THE MONTGOMERY COUNTY CODE, SECTION 19-16(a).

**VEHICLE OPERATORS WHO VIOLATE THIS PROVISION ARE SUBJECT TO**

**PERSONAL SERVICE OF A  
\$500 FINE  
WITHOUT WARNING.**

IT IS THE DEVELOPER/BUILDER'S RESPONSIBILITY TO INSTALL AND MAINTAIN AN EFFECTIVE STONE CONSTRUCTION ENTRANCE AT REQUIRED POINTS OF INGRESS AND EGRESS.

ANY VEHICLE THAT TRAVELS ONTO A ROADWAY FROM AN UNSTABILIZED, GRADED AREA MUST CROSS A STONE CONSTRUCTION ENTRANCE. VEHICLE OPERATORS MUST BE CERTAIN THAT THE VEHICLE'S TIRES ARE CLEANED ADEQUATELY TO PREVENT TRACKING AND DEPOSITION OF SOIL OR OTHER MATERIAL ONTO ROADWAYS.

\*\*\* POST AT CONSTRUCTION OFFICES/TRAILERS \*\*\*

THE SUBCONTRACTOR(S).

**THIS NOTICE IS THE ONLY WARNING YOU WILL RECEIVE.**

measures\* to prevent particulate emissions. Reasonable precautions are

## STOP WORK

FOR THE FOLLOWING VIOLATION(S)

Failure To Observe This Order - Defacing Or The Removal Of This Sign By Any Person Or Persons Will Be Prosecuted To The Fullest Extent Of The Law.

litter at all times.

REGULATIONS WILL RESULT IN THE GENERAL CONTRACTOR AND





# Progressive Penalties

- Administrative (\$1,000 per violation)
  - Sediment Control Law
- Bond default and mitigation
  - provided for in local ordinances
- Civil (\$10,000 and 1 year prison term)
  - Sediment Control Law
- Criminal (\$50,000 and 1 year prison term)
  - Sediment Pollution Law





# Stormwater Hotspots

- Maryland's Stormwater Manual addresses hotspots
  - a stormwater hotspot is defined as a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff
  - untreated stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater where it may contaminate water supplies
- An NPDES industrial stormwater permit may be needed (in accordance with CFR 122.26 designations and exceptions)
  - industrial stormwater permits require pollution prevention plans that typically involve a series of operational practices that reduces the generation of pollutants by preventing contact with rainfall

