



# Howard County

## Internal Memorandum

**Subject:** Testimony & Fiscal Impact Statement  
Council Bill No. \_\_\_\_\_ - Amending sediment and erosion control provisions in  
accordance with State law.

**To:** Lonnie R. Robbins  
Chief Administrative Officer

**From:** James M. Irvin, Director  
Department of Public Works

**Date:** December 18, 2012

The Department of Public Works has been designated coordinator for the preparation of testimony relative to the amendment to sediment and erosion control provisions in the Howard County Code. These changes are required by the Maryland Department of the Environment (MDE) pursuant to the Stormwater Management Act of 2007 (the “Act”).

This bill proposes to amend the following provisions of the Howard County Code:

1. Title 18, Subtitle 3 “Sediment and erosion control” (SEC), which deals largely with inspection and penalties; and
2. Title 3, Subtitle 4 “Grading”, which deals with plan review and permitting.

The Act defines Environmental Site Design (ESD) as “using small scale stormwater management practices, nonstructural techniques, and site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources.” The Act requires that ESD, through the use of nonstructural best management practices and other better site design techniques, be implemented to the maximum extent practicable. As a result of the Act, the design and review of erosion and sediment control and stormwater management plans must be integrated. In addition, erosion and sediment control needs to be considered from the beginning planning stages. Erosion and sediment control review is consistent with the 3 phase review for stormwater management.

Pursuant to the Act, the Maryland Department of the Environment (MDE) formally issued revised erosion and sediment control regulations on or about February 6, 2012. The new regulations will enhance erosion and sediment control practices across the State, improve the water quality of construction site runoff, and help in Chesapeake Bay restoration efforts. Likewise, the 2011 Standards and Specifications, adopted pursuant to the Act, completely replace the 1994 Standards. The construction details are all updated and adopted by the County.

MDE developed a Model Ordinance for Erosion and Sediment Control (ESC) for local governments to use as a guide in developing local legislation. The Model Ordinance is similar to the model ordinance provided a few years ago by MDE for Storm Water Management (SWM). The Howard County SWM subtitle (Section 18.900, *et seq.* of the County Code) is not impacted by this proposed legislation.

The most significant changes proposed by this legislation relate to these stabilization requirements, which fall under two circumstances:

- 1.) A project is to be sequenced so that grading activities begin on one grading unit (maximum acreage of 20ac. per grading unit) at a time. Work may proceed to a subsequent grading unit when at least 50 percent of the disturbed area in the preceding grading unit has been stabilized and approved by the enforcement authority. Unless otherwise specified and approved by the approval authority, no more than 30 acres cumulatively may be disturbed at a given time.
  
- 2.) At a minimum, all perimeter controls (e.g., earth berms, sediment traps) and slopes steeper than 3:1 require stabilization within three (instead of 7) calendar days and all other disturbed areas within seven (instead of 14) calendar days.

We have discussed the proposed code changes with the HBAM, Howard County land developers, engineering consultants, and the Soil Conservation District (SCD). There is minimal impact to these groups and to the construction industry in Howard County. We have obtained preliminary MDE approval of the proposed code changes prior to submission and we have obtained SCD Board approval.

The anticipated fiscal impact to the County is minimal.

A representative of the department will be present at the public hearing. If you require further information concerning this matter or have any additional questions, please do not hesitate to contact me at your convenience.