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COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2013 Legislative Session
Legislative Day #

BILL NO. 2013-13

Introduced by: Charles County Commissioners

Charles County Grading & Sedimentation Control

Date introduced: 05 / 21 / 2013

Public Hearing: 06 / 19 / 2013 @ 5:30 p.m.

Commissioners Action: 06 / 19 / 2013

Commissioner Votes: CQK: Y, RC: Y, KR: Y, DD: Y, BR: Y

Pass/Fail: Pass

Effective Date: 08 / 02 /2013

Remarks:

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2013 Legislative Session

Bill No. 2013-13

Chapter No. 244

Introduced by Charles County Commissioners

Date of Introduction May 21, 2013

BILL

AN ACT concerning

Charles County Grading & Sedimentation Control

FOR the purpose of amending the County Grading & Sedimentation Control Ordinance to be consistent with the State of Maryland criteria established in 2011; provide standards for Grading & Sediment Control Plans; amending certain definitions; and making clarifications.

BY repealing and reenacting, with amendments:

Chapter 244. Grading & Sedimentation Control

Sections 1 through 39

Code of Charles County, Maryland

(1994 Edition, 1998 Supplement, as last amended by Ordinance 01-03 and Bill No. 2006-10)

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

Article I. Purpose and Authority.

Section 244-1. Purpose and authority.

A. The purpose of this Chapter is to safeguard the natural resources of Charles County by establishing minimum requirements for stripping, excavating, and filling of land; for control of soil erosion and sediment; and to establish procedures by which these requirements are to be administered and enforced. THE GOAL IS TO MINIMIZE SOIL EROSION AND PREVENT OFF-SITE SEDIMENTATION BY USING SOIL EROSION AND SEDIMENT CONTROL PRACTICES DESIGNED IN ACCORDANCE WITH THE CODE OF MARYLAND REGULATIONS (COMAR) 26.17.01, THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS (STANDARDS AND SPECIFICATIONS) AND THE STORMWATER MANAGEMENT ACT OF 2007 (ACT). IMPLEMENTING THIS ORDINANCE WILL HELP REDUCE THE NEGATIVE IMPACTS OF EARTH DISTURBANCE ON WATER RESOURCES, MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF STREAMS, AND MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY.

B. The provisions of this Chapter pursuant to Title 4, Environment Article, Annotated Code of Maryland are adopted under the authority of the Charles County Code and shall apply to all grading occurring within the unincorporated area of Charles County, Maryland. The application of this Chapter and the provisions expressed herein shall be the minimum grading and erosion and sediment control requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Charles County Department of Planning & Growth Management shall be responsible for coordination and enforcement of the grading provisions of this Ordinance. The Maryland Department of the Environment or its designated County Agency or Department, shall be responsible for the coordination and enforcement of the erosion and sediment control provisions of this Chapter.

C. THE PROVISIONS OF THIS CHAPTER PURSUANT TO TITLE 4, ENVIRONMENT ARTICLE, SUBTITLE 1, ANNOTATED CODE OF MARYLAND ARE ADOPTED UNDER THE AUTHORITY OF THE CHARLES COUNTY CODE AND SHALL APPLY TO ALL LAND GRADING OCCURRING WITHIN CHARLES COUNTY. THE

APPLICATION OF THIS CHAPTER AND THE PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM EROSION AND SEDIMENT CONTROL REQUIREMENTS AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE.

D. THIS CHAPTER SHALL BE KNOWN AS THE GRADING AND SEDIMENT CONTROL ORDINANCE.

Article II. Definitions.

Section 244-2. Definitions.

As used in this Chapter, the words and phrases listed below shall have the following meanings:

Acceptable Outfall - That point as determined by the Department of Planning and Growth Management and Charles Soil Conservation District where storm water can be released to a channel without causing scouring, erosion, or resulting sedimentation to the receiving channel or its floodplain. Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive velocities.

Administration - The State of Maryland Department of the Environment.

Adverse Impact - Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

Agricultural Land Management Practices - Those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Logging [and], timber removal[,] AND LAND CLEARING operations may not be considered a part of this definition FOR THE PURPOSES OF THIS CHAPTER.

Applicant - Any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

ASTM - The American Society for Testing and Materials.

[Bedrock - The solid undisturbed rock in-place either at the ground surface or beneath surficial soil deposits.]

Bench Terrace - A relatively flat area (i.e. less than 2% grade) constructed on sloping land to planned dimensions and grades. Bench terraces are applied along the contour with the length and width controlled by the natural terrain and the required erosion limitations.

BEST MANAGEMENT PRACTICE (BMP) - A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE AS DEFINED BY THE STORMWATER MANAGEMENT ORDINANCE.

Certification - A signed and sealed, written statement from [a] AN individual licensed in the State of Maryland (engineer, surveyor, landscape architect) that specific constructions, inspections or tests (where required) have been performed and that such comply with the applicable requirements of this Chapter.

Clear - Any activity which removes the vegetative ground cover WHILE LEAVING THE ROOT MAT INTACT.

Compaction - Densification of a soil or rock fill by mechanical or other acceptable procedures.

Cut - See Excavation.

Department - The Department of Planning & Growth Management.

Developer - A person, partnership, corporation, firm, or governmental agency undertaking or proposing the construction of a building, a project consisting of interrelated buildings, or other construction, and who is primarily financially responsible for the proposed.

Development Services Permit - A permit issued to authorize work to be performed under this Chapter.

District - Charles Soil Conservation District.

Diversion - A channel, ditch or ridge constructed across a slope as to intercept and divert surface run-off.

Drainage Area - That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

Drainageway - See Watercourse.

Embankment - See Fill.

Engineer - See Professional Engineer.

Erosion - The process by which the land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sediment Control - A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

Erosion and Sediment Control Plan - An erosion and sediment control strategy or plan, to minimizes erosion and prevent off-site sedimentation by containing sediment on-site or

by passing sediment laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the District and this Chapter, and designed and approved in accordance with the Standards and Specifications.

Excavation or Cut - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced[,] or relocated and shall include the conditions resulting therefrom.

Exemption - Those land development activities that are not subject to the erosion and sediment control requirements contained in this Chapter.

Existing Grade - The vertical location of the existing ground surface prior to excavating or filling.

Fill or Embankment - A deposit of soil, rock or other materials placed by man.

FINAL COMPLETION ACCEPTANCE – THE FINAL APPROVAL OF CONSTRUCTION OF INFRASTRUCTURE INCLUDING GRADING, ROADS, STORM DRAINAGE, STORMWATER MANAGEMENT, PUBLIC WATER AND SEWER SYSTEMS, REFORESTATION, RECREATIONAL AMENITIES, LANDSCAPING, DEDICATION DOCUMENTS AS RELATED ITEMS ASSOCIATED WITH A PERMIT AND AS FURTHER DEFINED IN THE STANDARDS AND SPECIFICATIONS FOR CONSTRUCTION MANUAL.

FINAL EROSION AND SEDIMENT CONTROL PLAN - PLANS PREPARED AND APPROVED IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS OF THE CHARLES SOIL CONSERVATION DISTRICT AND THIS CHAPTER AND DESIGNED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS.

Finished Grade - The final grade or elevation of the ground surface conforming to the proposed design.

Floodplain - That land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood, excepting the land adjoining the banks of ponds, lakes or stormwater management detention and retention facilities when the banks of such water bodies provide containment of the base flood.

GRADE - TO DISTURB EARTH BY, INCLUDING BUT NOT LIMITED TO, EXCAVATING, FILLING, STOCKPILING, GRUBBING, REMOVING ROOT MAT OR TOPSOIL OR ANY COMBINATION THEREOF.

Grading - Any stripping, excavating, filling including hydraulic fill, stockpiling or any combination thereof and shall include the land in its excavated or filled condition.

GRADING UNIT - THE MAXIMUM CONTIGUOUS AREA ALLOWED TO BE GRADED AT A GIVEN TIME. FOR THE PURPOSES OF THIS CHAPTER, A GRADING UNIT IS 20 ACRES OR LESS.

Highly Erodible Land - Land with erodible soil types as defined in the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Maryland Technical Guide.

HIGHLY ERODIBLE SOILS - THOSE SOILS WITH A SLOPE GREATER THAN 15 PERCENT OR THOSE SOILS WITH A SOIL ERODABILITY FACTOR, K, GREATER THAN 0.35 AND WITH SLOPES GREATER THAN 5 PERCENT.

INSPECTION AGENCY - THE ADMINISTRATION OR, IF DELEGATED ENFORCEMENT AUTHORITY, CHARLES COUNTY.

Load Bearing Fill - Any facility, earthwork, or fill placed in a controlled manner to support structural foundations or vehicular traffic, the instability of which would constitute a public hazard or nuisance.

MAXIMUM EXTENT PRACTICABLE (MEP) - DESIGNING STORMWATER MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED AND ONLY WHERE ABSOLUTELY NECESSARY IS A STRUCTURAL BMP IMPLEMENTED.

Natural Ground Surface - The ground surface in its original state before grading, stripping, excavation or filling.

OWNER/DEVELOPER - A PERSON UNDERTAKING, OR FOR WHOSE BENEFIT, ACTIVITIES COVERED BY THIS CHAPTER ARE CARRIED ON. GENERAL CONTRACTORS OR SUBCONTRACTORS, OR BOTH, WITHOUT A PROPRIETARY INTEREST IN A PROJECT ARE NOT INCLUDED WITHIN THIS DEFINITION.

Permittee - Any person to whom a permit is issued pursuant to this Chapter.

Person - Shall include, in addition to any other meaning it may have under this Chapter, an individual, a corporation, a partnership, an incorporated association, an agency, THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY OF THEIR UNITS, OR AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, OR ANY OF THEIR AFFILIATES, or any other similar entitle whatsoever.

Professional Architect - A person who has been duly registered and licensed to practice professional architecture and/or landscape architecture under requirements of State Law.

Professional Engineer - A person licensed to ["]practice engineering["] in the State of Maryland.

Professional Land Surveyor - A person licensed to ["]practice surveying["] in the State of Maryland.

Regulated Grading - Any grading performed with the approval of, and in accordance with, criteria established by this Chapter.

Responsible Personnel - Any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances and has a certification of training at a Maryland Department of the Environment approved training program for the control of sediment and erosion.

Sediment - Soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity or ANY [other] artificial means.

Site - Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision[,] or project.

Slope - The inclined exposed surface of a fill, excavation or natural terrain.

Soil - All earth material of whatever origin that overlies bedrock, including, but not limited to, the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

SPECIFICATIONS MANUAL – THE CHARLES COUNTY STANDARDS AND SPECIFICATIONS FOR CONSTRUCTION MANUAL.

Stabilization - The prevention of soil movement by any of various vegetative and/or structural means.

Standards and Specifications – The "[1994] 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

Steep Slope - A slope over fifteen percent (15%) grade, which is characterized by increased run-off, erosion and sediment hazards.

STORMWATER - WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

Stripping - Any activity which removes the vegetative surface cover including tree removal, clearing, grubbing[,] and storage of removal of top soil.

Structural Rock Fills - Constructed predominately of rock materials for the purpose of supporting structures.

SUBSTANTIAL COMPLETION ACCEPTANCE – THE APPROVAL OF THE BASIC CONSTRUCTION OF UTILITIES, STORM DRAINAGE FACILITIES, BITUMINOUS CONCRETE BASE AND INTERMEDIATE SURFACE COURSE, STREET AND REGULATORY SIGNS, AND OTHER IMPROVEMENTS REQUIRED TO MEET STANDARDS AS FURTHER DEFINED IN THE STANDARDS AND STPECIFICATIONS FOR CONSTRUCTION MANUAL FOR ISSUANCE OF USE AND OCCUPANCY CERTIFICATES.

Timber Harvesting - The severing of trees at or above the ground level leaving the stump and root system intact.

Variance - Modification of the criteria set forth in this Chapter, ~~[and/or]~~ the Standards and Specifications AND THE SPECIFICATIONS MANUAL.

Watercourse and/or Drainageway - Any natural or artificial watercourse (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines[,] or washes) in which water flows in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

Watershed - The total drainage area contributing runoff to a single point.

Wetlands - Any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.

Article III. Applicability.

Section 244-3. Scope.

A. No person shall clear or grade land without obtaining a development services permit and a sediment & erosion control plan approved RESPECTIVELY by the County and District[, and Chapter 298, Forest Conservation] except as provided within this Chapter.

Section 244-4. Exemptions. - EROSION AND Sediment Control PLAN.

A. [A] AN EROSION AND Sediment Control Plan approved by the Charles Soil Conservation District is not [be] required for the following:

(1) Agricultural land management practices and construction of agricultural buildings. LOGGING, TIMBER REMOVAL, AND LAND CLEARING OPERATIONS ARE NOT CONSIDERED AN AGRICULTURAL LAND MANAGEMENT PRACTICE.

[Single family residences or their accessory buildings on lots of 2 acres or more that disturb an area less than one-half (½) acre.]

(2) Clearing or grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth.

(3) Clearing or grading activities that is subject exclusively to State approval and enforcement under State law and regulations.

B. [The exemptions listed above shall not apply in the Critical Area Overlay Zones defined in the Charles County Zoning Ordinance when the following conditions exist:

(1) The clearing or grading activities are located within the Buffer defined in § 297-21 and/or 297-44.1 of the Charles County Zoning Ordinance.

(2) The clearing or grading activities are located within twenty-five (25) feet of a nontidal wetland.

(3) Agricultural land management practices occur closer than twenty-five (25) feet from the edge of mean high tide, tributary streams or tidal wetlands.

(4) Agricultural land management practices are inconsistent with an approved Soil Conservation and Water Quality Plan to be in place by December 31, 1991.

(5) The proposed development activity will create undue erosion and introduce sediment into any watercourse or drainageway of the county or state located within a Critical Area Overlay Zone as determined by the Department.]

THE EXEMPTIONS LISTED IN § 244-4 A ARE NOT APPLICABLE FOR PROJECTS WITHIN THE CRITICAL AREA.

Article IV. Erosion and Sediment Control Plans.

Section 244-5. Variances - Sediment Control.

A. The District may grant a written variance from the requirements of the Standards and Specifications if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this Chapter. The developer shall submit a written request for a variance to the District. The request shall state the specific variances sought and reasons for requesting the variance. The District shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the developer.

Section 244-6. Review and Approval of Erosion and Sediment Control Plans.

A. A person may not clear or grade land without first obtaining an erosion and sediment control plan approved by the District [or a Standard Erosion and Sediment Control Plan for minor earth disturbances approved by the District].

B. In approving the plan, the District may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Chapter, the State Sediment Control Regulations, COMAR 26.17.01 [-] through 26.17.11, the Standards and

Specifications, the Charles Soil Conservation District plan submittal guidelines, and the preservation of public health and safety.

C. The erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the District on the plan.

D. District approval will remain valid for two (2) years from approval date unless the approval is withdrawn earlier. Expiration dates will normally be either April 30 or October 31 as determined by the District. Extensions of time may be granted by the District upon written request providing there is sufficient justification provided.

E. FINAL PLAN

(1) FINAL EROSION AND SEDIMENT CONTROL PLANS MUST INCLUDE THE LIMIT OF DISTURBANCE (LOD), THE LOCATION OF EACH SEDIMENT CONTROL PRACTICE, CONTOURS FOR SEDIMENT TRAPS AND SEDIMENT BASINS, ASSOCIATED CONSTRUCTION NOTES, DETAILS, AND REPRESENTATIVE CROSS-SECTIONS. WHEN PHASING IS NECESSARY, THE SEDIMENT CONTROL PLAN MUST INCLUDE INITIAL, INTERIM, AND FINAL PHASE SEDIMENT CONTROL PRACTICES, AS APPROPRIATE. A SEQUENCE OF CONSTRUCTION MUST BE PROVIDED WITH ENOUGH DETAIL TO GUIDE THE CONSTRUCTION, MAINTENANCE, AND REMOVAL OF THE EROSION AND SEDIMENT CONTROLS.

(2) PLANS MUST INCLUDE PHASING AND/OR SEQUENCING DESCRIBING HOW A PROJECT WILL COMPLY WITH THE 20 ACRE GRADING UNIT RESTRICTION. ALL PROJECTS ARE EXPECTED TO COMPLY WITH THE GRADING UNIT CRITERIA AS REQUIRED BY COMAR 26.17.01 AND THE STANDARDS AND SPECIFICATIONS.

(3) AN APPLICANT SHALL SUBMIT A FINAL EROSION AND SEDIMENT CONTROL PLAN TO THE CHARLES SOIL CONSERVATION DISTRICT FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE ALL OF THE INFORMATION REQUIRED BY THE CONCEPT AND SITE DEVELOPMENT PLANS AS WELL AS ANY INFORMATION IN § 244-7 NOT ALREADY SUBMITTED.

(4) A FINAL EROSION AND SEDIMENT CONTROL PLAN SHALL NOT BE CONSIDERED APPROVED WITHOUT THE INCLUSION OF THE SIGNATURE AND DATE OF SIGNATURE OF THE CHARLES SOIL CONSERVATION DISTRICT ON THE PLAN.

F. GRANDFATHERING OF APPROVED PLANS:

(1) ANY PLANS THAT RECEIVE FINAL APPROVAL AFTER JANUARY 9, 2013 MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS.

(2) A PLAN THAT RECEIVES FINAL APPROVAL BY JANUARY 9, 2013 MAY BE REAPPROVED UNDER ITS EXISTING CONDITIONS IF GRADING ACTIVITIES HAVE BEGUN ON THE SITE BY JANUARY 9, 2015, WITH THE EXCEPTION OF STABILIZATION REQUIREMENTS.

(3) STABILIZATION PRACTICES ON ALL SITES MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS BY JANUARY 9, 2013, REGARDLESS OF WHEN AN APPROVED EROSION AND SEDIMENT CONTROL PLAN WAS APPROVED.

Section 244-7. Contents of the Erosion and Sediment Control Plan.

A. The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of this Chapter, the District, the State Sediment Control Regulations COMAR 26.17.01, and the Standards and Specifications. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. THE PROCEDURES FOR SUBMISSION SHALL BE THOSE FOUND IN THE DISTRICT PLAN SUBMITTAL GUIDELINES.

B. Applicants shall submit the following minimum information:

(1) A letter of transmittal.

(2) A vicinity sketch indicating north arrow, scale and other information necessary to easily locate the property (include ADC map reference).

(3) A plan at an acceptable scale indicating at least:

a) Name, address, and telephone number of[:]

[(1)] [T]the owner of the property where the grading is proposed[;]

[(2)] [T]the developer[;] AND

[(3)] [T]the applicant.

b) The existing and proposed topography at two foot (2') contour interval. Topographic information must be accurate and shall extend a minimum of one hundred feet (100') beyond the limits of disturbance. THE EXISTING TOPOGRAPHY AND IMPROVEMENTS AS WELL AS PROPOSED TOPOGRAPHY AND IMPROVEMENTS AT A SCALE BETWEEN 1" = 10' AND 1" = 50' WITH 2 FOOT CONTOURS OR OTHER APPROVED CONTOUR INTERVAL. FOR PROJECTS WITH MORE THAN MINOR GRADING, INTERIM CONTOURS MAY ALSO BE REQUIRED AT THE DISCRETION OF THE SOIL CONSERVATION DISTRICT.

[c) The proposed grading and earth disturbance including:

(i) Surface area involved;

(ii) Distinct limits of grading including limitation of mass clearing and grading whenever possible.

(iii) Volume of spoil material.

(iv) Volume of borrow material.

(v) Retaining walls with construction details.

d) Storm drainage provisions, including:

(i) Velocities and quantities of Q_{10} (ten-year discharge) flow at outfalls; and

(ii) Site conditions around points of all surface water discharge from the site;

e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:

(i) Provisions to preserve topsoil and limit disturbance;

(ii) Details of grading practices;

(iii) Design details for structural controls; and

(iv) Details of temporary and permanent stabilization measures including placement of the following statement on the plan. Following initial soil disturbance or re-disturbance, permanent or temporary stabilization shall be completed within:

a) Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3H:1V); and

b) Fourteen days as to all other disturbed or graded areas on the project site.

The requirements of sections 3.e.4.a. and 3.e.4.b. do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the Standards and Specifications.

f) Sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, as a minimum, include a schedule and time frame for the following activities.

(i) Clearing and grubbing for those areas necessary for installation of perimeter controls;

(ii) Construction of perimeter controls;

(iii) Remaining clearing and grubbing;

(iv) Road grading;

(v) Grading for the remainder of the site;

(vi) Utility installation and whether storm drains will be used or blocked after construction;

(vii) Final grading, landscaping and stabilization; and

(viii) Removal of controls.

g) A statement placed on the plan indicating that the developer shall request inspection of work completed in accordance with the approved erosion and sediment control plan:

(i) On all sites with disturbed areas in excess of two (2) acres, approval of the department and/or inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until this initial approval by the department and/or inspection agency is made; and

(ii) Approval shall be requested upon vegetative establishment of all sites with disturbed areas in excess of 2 acres before removal of controls.

h) Certification by the owner or developer that any clearing, grading, construction, or development, or all of these, will be done pursuant to this plan and that responsible personnel involved in the construction project will have a Certification of Training at a Department of the Environment approved training program for the control of sediment and erosion beginning the project. The Certification of Training for Responsible Personnel requirement may be waived by the District on any project involving four or fewer residential units.

i) A statement placed on the sediment and erosion control plan indicating that the permittee shall notify the department and/or inspection agency forty-eight (48) hours before commencing any land disturbance activity.

j) A legend.

k) Drainage area map for sediment and erosion control practices.

l) Any additional information or data deemed appropriate by the District.]

C) DRAINAGE AREA MAP(S) AT A 1" = 200' MINIMUM SCALE SHOWING EXISTING, INTERIM, AND PROPOSED TOPOGRAPHY, PROPOSED IMPROVEMENTS, STANDARD SYMBOLS FOR PROPOSED SEDIMENT CONTROL FEATURES, MAXIMUM DRAINAGE AREAS TO EACH SEDIMENT CONTROL PRACTICE AND PERTINENT DRAINAGE INFORMATION INCLUDING PROVISIONS TO PROTECT DOWNSTREAM AREAS FROM EROSION FOR A MINIMUM OF 200 FEET DOWNSTREAM OR TO THE NEXT CONVEYANCE SYSTEM.

D) THE LOCATION OF NATURAL RESOURCES, WETLANDS, FLOODPLAINS, HIGHLY ERODIBLE SOILS, SLOPES 15 PERCENT AND STEEPER, AND ANY OTHER SENSITIVE AREAS.

E) 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.

F) PROPOSED STORMWATER MANAGEMENT PRACTICES;

G) THE PROPOSED GRADING AND EARTH DISTURBANCE INCLUDING:

(1) TOTAL DISTURBED AREA

(2) VOLUME OF CUT AND FILL QUANTITIES; AND

(3) SURFACE AREA INVOLVED.

(4) DISTINCT LIMITS OF GRADING INCLUDING LIMITATION OF MASS CLEARING AND GRADING WHENEVER POSSIBLE.

(5) VOLUME OF SPOIL MATERIAL.

(6) VOLUME OF BORROW MATERIAL.

(7) RETAINING WALLS WITH CONSTRUCTION DETAILS.

H) STORM DRAINAGE FEATURES, INCLUDING:

(1) EXISTING AND PROPOSED BRIDGES, STORM DRAINS, CULVERTS, OUTFALLS, ETC.

(2) VELOCITIES AND PEAK FLOW RATES AT OUTFALLS FOR THE TWO-YEAR AND TEN-YEAR FREQUENCY STORM EVENTS; AND

(3) SITE CONDITIONS AROUND POINTS OF ALL SURFACE WATER DISCHARGE FROM THE SITE.

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

(1) THE SALVAGE AND REUSE OF TOPSOIL

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

(3) LOCATION AND TYPE OF ALL PROPOSED SEDIMENT CONTROL PRACTICES

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

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

(A) THE "STANDARD STABILIZATION NOTE" ON THE PLAN STATING:

(B) "FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN:

(I) THREE (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

(II) SEVEN (7) CALENDAR DAYS AS TO ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE GRADING."

(C) DETAILS FOR AREAS REQUIRING ACCELERATED STABILIZATION; AND

(D) MAINTENANCE REQUIREMENTS AS DEFINED IN THE STANDARDS AND SPECIFICATIONS;

(E) THE REQUIREMENTS OF SECTIONS B3I5A DO NOT APPLY TO THOSE AREAS WHICH ARE SHOWN ON THE PLAN AND CURRENTLY BEING USED FOR MATERIAL STORAGE OR FOR THOSE AREAS ON WHICH ACTUAL CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED OR TO INTERIOR AREAS OF A SURFACE MINE SITE WHERE THE STABILIZATION MATERIAL WOULD CONTAMINATE THE RECOVERABLE RESOURCE. MAINTENANCE SHALL BE PERFORMED AS NECESSARY TO ENSURE THAT THE STABILIZED AREAS CONTINUOUSLY MEET THE APPROPRIATE REQUIREMENTS OF THE STANDARDS AND SPECIFICATIONS.

J) A SEQUENCE OF CONSTRUCTION DESCRIBING THE RELATIONSHIP BETWEEN THE IMPLEMENTATION AND MAINTENANCE OF CONTROLS, INCLUDING PERMANENT AND TEMPORARY STABILIZATION, AND THE VARIOUS STAGES OR PHASES OF EARTH DISTURBANCE AND CONSTRUCTION. ANY CHANGES OR REVISIONS TO THE SEQUENCE OF CONSTRUCTION MUST BE APPROVED BY THE CHARLES SOIL CONSERVATION DISTRICT PRIOR TO PROCEEDING WITH

CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AT A MINIMUM, MUST INCLUDE THE FOLLOWING:

(1) REQUEST FOR A PRE-CONSTRUCTION MEETING WITH THE APPROPRIATE ENFORCEMENT AUTHORITY;

(2) CLEARING AND GRUBBING AS NECESSARY FOR THE INSTALLATION OF PERIMETER CONTROLS;

(3) CONSTRUCTION AND STABILIZATION OF PERIMETER CONTROLS;

(4) REMAINING CLEARING AND GRUBBING WITHIN INSTALLED PERIMETER CONTROLS;

(5) ROAD GRADING;

(6) GRADING FOR THE REMAINDER OF THE SITE;

(7) UTILITY INSTALLATION AND CONNECTIONS TO EXISTING STRUCTURES;

(8) CONSTRUCTION OF BUILDINGS, ROADS, AND OTHER CONSTRUCTION;

(9) FINAL GRADING, LANDSCAPING, AND STABILIZATION;

(10) INSTALLATION OF STORMWATER MANAGEMENT MEASURES;

(11) APPROVAL OF THE APPROPRIATE ENFORCEMENT AUTHORITY PRIOR TO REMOVAL OF SEDIMENT CONTROLS; AND

(12) REMOVAL OF CONTROLS AND STABILIZATION OF AREAS THAT ARE DISTURBED BY REMOVAL OF SEDIMENT CONTROLS.

(13) TIME FRAME FOR EACH SEQUENCE ACTIVITY.

K) A STATEMENT REQUIRING THE OWNER/DEVELOPER OR REPRESENTATIVE TO CONTACT THE INSPECTION AGENCY AS DEFINED OR IT'S AGENT AT THE FOLLOWING STAGES OF THE PROJECT OR IN ACCORDANCE WITH THE APPROVED EROSION

AND SEDIMENT CONTROL PLAN, GRADING PERMIT, OR BUILDING PERMIT:

(1) PRIOR TO THE START OF EARTH DISTURBANCE;

(2) UPON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY OTHER EARTH DISTURBANCE OR GRADING;

(a) PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR OPENING OF ANOTHER GRADING UNIT; AND

(b) PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES;

L) CERTIFICATION BY THE OWNER OR DEVELOPER THAT ANY CLEARING, GRADING, CONSTRUCTION, OR DEVELOPMENT, OR ALL OF THESE, WILL BE DONE PURSUANT TO THIS PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENT OF THE ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEGINNING THE PROJECT. THE CERTIFICATION OF TRAINING FOR RESPONSIBLE PERSONNEL REQUIREMENT MAY BE WAIVED BY THE DISTRICT ON ANY PROJECT INVOLVING FOUR OR FEWER RESIDENTIAL UNITS.

M) A STATEMENT PLACED ON THE SEDIMENT AND EROSION CONTROL PLAN INDICATING THAT THE PERMITTEE SHALL NOTIFY THE DEPARTMENT AND/OR INSPECTION AGENCY FIVE (5) DAYS BEFORE COMMENCING ANY LAND DISTURBANCE ACTIVITY.

N) A LEGEND.

O) DRAINAGE AREA MAP FOR SEDIMENT AND EROSION CONTROL PRACTICES.

P) ANY ADDITIONAL INFORMATION OR DATA DEEMED APPROPRIATE BY THE DISTRICT.

Section 244-8. Revisions to Erosion and Sediment Control Plans.

A. The District may revise approved plans as necessary. Revisions may be requested by a permittee, the Department and/or Inspection Agency, and/or the District. REVISIONS ARE PROCESSED IN THE SAME MANNER AS THE ORIGINAL PLAN SUBMITTAL.

Article V. Development Services Permits.

Section 244-9. Permit Requirements.

A. Prior to the issuance of a Development Services Permit, an applicant shall have submitted to the Department copies of the approved Sediment and Erosion Control Plan, a Development Services Application, copies of Grading Plans, which meet the requirements of the Chapter, copies of all other plans as required by the Department, the grading fee, and meet the bonding requirements of this Ordinance, and any other document, report, application or form as required by the Department. The procedures for submission shall be those found in the most recent edition of the Plan Preparation Package.

B. Permits issued pursuant to this Chapter shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other applicable code, act, or County Ordinance. This Chapter shall not preclude the inclusion in such other permit of more stringent regulations or requirements concerning the grading of land.

C. [Prior to the issuance of a grading permit, an applicant shall have submitted to the Department an approved forest conservation plan and tree stand delineation or a letter of intent as may be required by the Charles County Forest Conservation Ordinance. A grading permit will not be issued unless the applicant complies with the requirements of the Charles County Forest Conservation Ordinance, including bonding, long-term forest protection agreements and reforestation/afforestation maintenance agreements.]

[D]. Only individuals allowed by state law may perform work as required by this Chapter.

Section 244-10. Minimum Application Data Required.

The plans and specifications accompanying the [grading] DEVELOPMENT SERVICES permit application shall be prepared according to the Plan Preparation Package and contain the following, subject to the provisions that the Department may waive the filing of particular information, if in its [judgment] JUDGMENT such information would serve no useful purpose for the particular project and not contravene the purpose of this Chapter.

A. A vicinity sketch in such detail that the property may be easily found by the inspector. North arrow and scale shall be indicated.

B. A boundary line survey of the site for which the permit is sought and on which the work is to be performed. On approved and recorded subdivision lots, a copy of the recorded plat will be submitted.

C. A plan of the site prepared by [a] AN Engineer, Professional Land Surveyor or Registered Landscape Architect at a scale of not less than one (1) inch to fifty (50) feet showing:

(1) Name, address and telephone number of the owner, developer and applicant.

(2) A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of effective erosion and sediment control measures.

(3) Location of any buildings or structures, utilities, sewers, water and storm drains on the site where the work is to be performed.

(4) Location of any building or structure on land of adjacent property owners which is within one hundred (100) feet of the site.

(5) Elevations, dimensions, location, extent and the slope of all proposed grading (including building and driveway grades, utilities, sewer, water and storm drains), all clearly indicated with finished contours at the same intervals as required or used for existing topography.

(6) An estimate of the quantity of excavation and fill involved.

(7) Adequate plans of

(a) all drainage provisions, stormwater management and erosion and sediment control measures, or other protective devices to be constructed in connection with, or as part of, the proposed work,

(b) a map showing the drainage area of land tributary to the site, and

(c) estimated runoff from the area served by any drains. Complete storm drainage studies shall be submitted for the site if not previously submitted as required by the Stormwater Management & Storm Drainage Ordinance.

(8) An appropriate legend.

(9) The plan of the site will include a minimum one-hundred (100) foot-wide peripheral strip immediately adjacent to the property or greater if requested by the Department.

D. The estimated total costs of the intended construction together with the estimated cost of the grading and/or filling and the costs of the required controls. Such estimated cost shall be reviewed and verified by the Department.

E. A grading plan for borrow pits, quarries and materials processing facilities will be based on the findings and evaluations of the soil investigation report.

F. Supplemental reports, data and/or additional information required to insure the adequacy of the proposed plan.

G. A record of field observations, field test data, laboratory test data, and project characteristics.

[H. The approved forest conservation plan for the site if approval has been previously granted. If there is no approved forest conservation plan for the site, the application shall include a forest stand delineation and forest conservation plan or a declaration of intent pursuant to the requirements of Chapter 298, Forest Conservation, of this Code.]

Section 244-11. General Technical Requirements.

A. Fills and Classifications. The grading plans and specifications shall specify and delineate the use and extent of fills in accordance with the following classifications:

(1) Type I Fill Load Bearing Fills proposed for support of buildings, walls, and other structures, the function thereof which would be especially impaired by settlement.

(2) Type II Fill Load Bearing Fills proposed for support of roadways, pavements, utility lines and structures which would not be especially impaired by moderate settlement.

(3) Type III Fill Common Fills proposed for landscaping or for other non-load bearing usage.

B. Materials. All load bearing fills shall meet the following requirements:

(1) No inclusions of organic or other deleterious materials which may be subject to decay shall be permitted. All fills shall also be free of inclusions of ice or snow.

(2) No rock or similar irreducible material with a maximum dimension greater than eight (8) inches shall be buried or placed in any load bearing fill within two (2) feet of finished grade or within (2) two feet of foundation base elevation. When such material is placed in fills, it shall be done under the direction and supervision of an Engineer.

C. Preparation of Ground

(1) The natural ground surface shall be prepared to receive fill by removing all organic materials and unsuitable soils in accordance with the recommendations of the Engineer and approved by the Department.

(2) Prior to Placing Type I and Type II Fills - The ground surface shall be prepared to receive fill according to the recommendations of the engineer and approved by the Department.

(3) No fill shall be placed on frozen ground.

D. Compaction. All fills will be compacted in accordance with the following provisions:

(1) All Type I and II Fills shall be compacted to a minimum of ninety-five (95%) percent and ninety (90%) percent, respectively, of maximum density as determined in the laboratory by ASTM Test Method D1557-58T, (Modified Proctor) or as established in the [Charles County Standards and] Specifications [for Construction] Manual. Type III Fill shall be compacted sufficiently so as to be stable and to prevent an erosion hazard.

(2) In place (field) density shall be completed by an Engineer as per the requirements established in the [Charles County Standards and] Specifications Manual. Soil test reports summarizing results shall be prepared by an Engineer and submitted in a format as approved by the Department. Reports for each fill activity shall be submitted to the Department on a bi-weekly basis.

(3) Fills shall be placed in approximately horizontal layers, each layer having a loose thickness of not more than eight (8) inches or as established in the Road Ordinance, Stormwater Management & Storm Drainage Ordinance, Water and

Sewer Ordinance, [Charles County Standards and] Specifications [for Construction] Manual and/or any document referenced in this Ordinance.

(4) Stormwater management pond embankments must be compacted as per USDA NRCS MD 378 Standards and Specifications.

E. Structural Rock. Fills constructed predominately of large rock (such as sandstone and iron concretions) will be permitted only if the specifications for such fill are prepared by and construction done under the direction and supervision of an Engineer.

F. Existing Features. Existing features which would add value to development or natural or manmade assets of the County, such as trees, watercourses, falls, beaches, vistas, historic or architecturally significant buildings, and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious and careful development.

G. Cut and Fill Slopes-Bench Terraces. See General Technical - Appendix B.

H. Drainage. The following provisions apply to the conveyance and disposal of surface water runoff.

(1) Disposal - All drainage facilities shall be designed to convey surface water in such a manner as to prevent erosion, overflow or ponding. Said water shall be conveyed to an acceptable outlet in accordance with such applicable design criteria, standards and procedures as required by the County and District Specifications. The ponding of water shall not be permitted above cut or fill slopes or on drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.

(2) Erosion Prevention - The permittee and the owner shall made adequate provisions to prevent any surface and/or ground waters from materially damaging the face of any cut or fill. All slopes shall be protected from surface runoff from above by berms, swales, or brow ditches.

(3) Grading Around Buildings - All areas shall be graded to provide for positive drainage away from the building toward the approved disposal area.

(4) Retention and Infiltration - Subject to the requirements and recommendations of the Department and the Maryland Department of the Environment measures such as infiltration beds, dry wells, and retention ponds may be used to allow storm water runoff to percolate into the soil.

I. Driveways - for driveways or sections of driveways with a slope of nine percent (9%) or greater, bank run gravel is not an acceptable surface treatment.

J. All cut and fill slopes outside of the County right-of-way shall be at a minimum slope of 10h:1v and a maximum of 3:h:1v or as approved by Charles County on a case-by-case basis.

Section 244-12. Modifications of Grading Plans Submitted to Charles County.

Modifications of the approved grading plans shall be submitted to the Department and reprocessed in the same manner as the original plan. [Field modifications may be authorized by the Department, provided that written authorization is given to the person performing work pursuant to this Chapter, with copies forwarded to the District.] DISTRICT APPROVAL IS REQUIRED.

Section 244-13. Permit Authorization.

A. The Department shall notify the applicant, in writing, of approval or reasons for the disapproval or modification within 30 days after submission of the grading plan. If a decision is not made within 30 days, the Department shall inform the applicant of the status of the review process and the anticipated completion date of the review process.

B. The issuance of a Development Services Permit shall constitute an authorization to do only the work set forth in the application for the permit, or in the site plans and specifications submitted and approved as part of the application. All work performed by the person to whom the permit issued or by his successor, shall be in accordance with the requirements of this Ordinance. Application for permit shall include the implied right of entry for restoration of the site upon default.

Section 244-14. Permit Conditions.

A. In granting any permit pursuant to this Chapter, the Department may impose such conditions as may be reasonably necessary to prevent creation of a nuisance, or unreasonable hazard to persons or to public or private property or for any other reason the County feels is necessary to protect the interests of the County. Such conditions may include but need not be limited to the following:

(1) Improvement of any existing grading to meet the standards required under this Chapter for new grading and for sediment control.

(2) Designation of easements for drainage facilities and for the maintenance of slopes or erosion control facilities.

(3) Adequate control of dust by watering or other control methods acceptable to the Department and in conformance with applicable air pollution Ordinance.

(4) Area of Special Geotechnical Consideration- a geotechnical report will be required for new construction in the portion of the county designated as the "Area of Special Geotechnical Consideration. The geotechnical report shall be prepared by a professional engineer licensed in the state of Maryland. The geotechnical report shall identify all unstable soil conditions and make recommendations for construction requirements where the unstable soil conditions exist. Unstable soil conditions shall include but not be limited to, high shrink/swell or other unstable soil conditions as determined by the geotechnical engineer. These recommendations shall become a part of the construction permit requirements.

The geotechnical construction recommendations shall include all necessary requirements for roads, grading, drainage, stormwater management, water & sewer, buildings, foundations, landscaping, utilities, and any other construction as determined by the county. A generalized map is attached on Appendix C.

(5) The Director may impose any other permit conditions in the "Area of Special Geotechnical Consideration as determined by the department or by studies as necessary to reduce damage to any (New or existing) developments, buildings or construction.

(6) Phasing of projects after the issuance of a Development Services Permit will be considered only on a case-by-case basis and only if the developer can prove hardship. The decision of such shall be at the discretion of the County Grading Engineer. Appeals may be made to the Chief of Development Services with final appeal to the Director of the Department whose decision is final.

Section 244-15. Responsibility of Permittee.

A. The permittee shall be responsible for implementation of the approved erosion and sediment control plan and the prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of equipment. Charles County,

Maryland, shall not be responsible for damage to properties for failure of any work done pursuant to this Chapter.

B. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking or other damage which might result. Grading can take place on adjacent property if grading rights are secured from the property owner.

Section 244-16. Development Services Permit Expiration.

A. The Permittee shall begin work within six (6) months of the date of the permit.

B. The Development ServiceS Permit shall expire two (2) years from the date of issuance or as determined by the Department unless extended and/or renewed by the Department. [All requests for renewal and/or extension must be made in writing sixty (60) day prior to the date of expiration. The requests for renewal and/or extension shall include a time table for the completion of the project.]

C. Where the applicant is unable to complete the work within the specified time, within thirty (30) days of the expiration of the permit, he shall present in writing to the Department a request for an extension. THE DEPARTMENT SHALL EXTEND THE PERMIT IN INCREMENTS OF TWO (2) YEARS, FOR A TOTAL OF FOUR (4) ADDITIONAL YEARS BEYOND THE INITIAL TWO (2) YEAR APPROVAL PERIOD. Where, in the sole discretion of the Department [such an] extension BEYOND SIX (6) YEARS is warranted, it may grant additional time.

D. If operations cease for a period of thirty (30) consecutive calendar days permanent erosion and sediment control measures must be employed as set forth in Section 4.

Section 244-17. Failure to Complete Work.

A. If at any time the Department finds that all work of the permit is not completed within the time specified therein, or as otherwise provided for in this Chapter or violates any other term or condition, the cash deposit shall be forfeited, or if a bond has been posted, the bond will be called. The funds, so received, will be used by the County for defraying the cost of contracting, including engineering and administration for the restoration of the site to meet the minimum requirements of this article with particular emphasis on

stability, pollution, safety and erosion control. Upon default, the Surety on any bond shall be given notice by mail and the Surety shall proceed as outlined in Section 6.

Section 244-18. Permit Suspension and Revocation,

A. The Department may suspend or revoke any Development Services Permit after providing written notification to the permittee based on any of the following reasons:

(1) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit;

(2) Noncompliance with violation notice(s) or stop work order(s) issued; or

(3) Changes in site characteristics upon which plan approval and permit issuance was based.

(4) Any violation(s) of this Chapter or any rules and regulations adopted under it.

Section 244-19. Permit Fee.

A. The fee for issuance of a permit for grading and sediment control operations shall be paid to the Commissioners of Charles County and shall be as shown in Appendix A. The permit fee shall be used to cover the Department's and the District's administration, review and inspection costs.

B. The fee for a Development Services Permit for authorizing additional work [as set forth in Section 4] shall be the difference between the fee paid for the original permit and the fee required for the entire grading and sediment control project.

C. THE FEE FOR AN EXTENSION OF TIME FOR A PERMIT SHALL BE AS SHOWN IN APPENDIX A. FOR PERMITS THAT HAVE RECEIVED SUBSTANTIAL COMPLETION ACCEPTANCE, THE FEE SHALL BE REDUCED BY 50%. NO FEE WILL BE REQUIRED FOR PERMITS THAT HAVE RECEIVED FINAL COMPLETION ACCEPTANCE.

Section 244-20. Permit Exceptions for Development Services Permits.

A. A Development Services Permit shall not be required for the following subject to compliance with SECTION 244-6 AND Title 4, Environmental Article, Annotated Code of Maryland relating to sediment control plans approved by the Charles Soil Conservation District:

(1) An excavation below finished grade for basements and footings of a building authorized by a valid building permit.

(2) Grading operations that disturb less than 5,000 square feet of land area, are less than four (4) feet in vertical depth at the deepest point as measured from Natural ground surface, do not result in a total quantity of more than one hundred (100) cubic yards of material and do not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation.

(3) Agricultural land management practices, nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees and timber harvesting.

(4) The stockpiling, with slopes at a natural angle or repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, providing approved sediment and erosion control measures have been employed to protect against off-site damages.

(5) Refuse disposal areas or sanitary landfills operated and conducted in accordance with the requirements, rules and ordinances of Charles County and the State of Maryland.

(6) Grading and trenching for utility installations provided that, if during the course of utility operations any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition.

(7) Individual private septic systems which do not disturb the natural contour.

(8) The construction of single-family residences and/or their accessory building [on lots of two acres or more] WITH A VALID BUILDING PERMIT.

(9) CLEARING OR GRADING ACTIVITIES THAT IS SUBJECT EXCLUSIVELY TO STATE APPROVAL AND ENFORCEMENT UNDER STATE LAW AND REGULATIONS.

Section 244-21. Development Services Permit Variances.

A. The Department may grant a written variance from the requirements of this Chapter except to sediment and erosion control issues if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this Chapter. The applicant shall submit a written request for a variance to the Department. The request shall state the specific variance sought and reasons for requesting the variance. The Department

shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant.

Article VI. Bonds.

Section 244-22. Bond Requirements.

A. A Development Services Permit shall not be issued for grading involving the exposing of more than 1,000 cubic yards or 30,000 square feet of ground surface unless the applicant shall first post with the County Commissioners a bond in a form approved by the County Commissioners. The amount of the bond shall be determined by the Department and based on disturbed area. The total disturbed area must be computed and shown on the grading and sediment control plan. The amount of the bond will be determined by using the current Charles County "Unit Prices for Fee Establishment and Security Amounts" and the Plan Preparation Package.

B. The bond shall remain in full force and effect until all work and conditions encompassed under permit; these regulations and any other regulations governing this work, have been completed and approved by the Department and the Bond officially released.

C. Whenever the permittee does not fulfill the requirements of the permits, the permittee shall be declared in default by the County Commissioners and appropriate remedy sought under the bond.

Article VII. Inspections.

Section 244-23. Inspection Procedure.

A. No work approved in accordance with the provisions of this Article shall proceed until the Department inspects the site and approves the work previously completed or notified the permittee otherwise. Upon notification from the permittee as required in Section 7.3 of this Article, said Department shall inspect the site and notify the permittee of its approval or rejection within twenty-four (24) hours, exclusive of Saturdays, Sundays and holidays. If the inspector does not make an inspection within the specified time period, work may proceed without presumption of approval at the risk of the permittee. The Department shall have the right to waive inspections, except the final inspection.

Section 244-24. Inspection Frequency and Reports for Erosion and Sediment Control.

A. The permittee shall maintain a copy of the approved erosion and sediment control plan on site.

B. Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on the average once every 2 weeks.

C. Inspectors shall prepare written reports after every inspection. The inspection report shall describe:

(1) The date and location of the site inspection;

(2) Whether or not the approved plan has been properly implemented and maintained;

(3) Any practice deficiencies or erosion and sediment control plan deficiencies; and

(4) If a violation exists, the type of enforcement action taken.

(5) The department and/or the inspection agency shall notify on-site personnel or the owner/developer in writing when violations are observed, describing:

(a) The nature of the violation;

(b) The required corrective action[:]; and

(c) The time period in which to have violations corrected.

Section 244-25. Right of Entry.

A. It shall be a condition of every Grading and/or Development Services Permit that the Department, [and/or] the Inspection Agency, AND/OR THE DISTRICT has the right to enter the property periodically to inspect for compliance with this Ordinance.

Section 244-26. Notifications to Inspect Sediment & Erosion Control & Grading Operations.

A. After commencing initial operations, the permittee shall require inspections by the Department at the following stages in the development of the site, or of each subdivision thereof:

(1) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the Department is made;

(2) Upon completion of stripping, the stockpiling of top soil, the disposal of all unsuitable materials, and preparation of this ground to receive fill, but prior to beginning any placement;

(3) Upon completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements;

(4) Upon completion of final grading, permanent drainage and erosion control facilities, but prior to any seeding, sodding or planting;

(5) Upon completion of installation of all vegetative measures and all other work in accordance with the Development Services Permit. The Department may make additional inspections as such Department might deem appropriate;

(6) Upon final stabilization before removal of sediment controls; and

(7) After final stabilization and after the removal of sediment controls.

Section 244-27. Modifications to Erosion and Sediment Control Plans.

A. When inspection of the site indicates the approved erosion and sediment control plan needs modification, [the modification] A PLAN REVISION shall be made in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:

(1) The permittee shall submit requests for A PLAN REVISION APPROVAL FOR [major] modifications to AN approved erosion and sediment control plan[s],[such as the addition or deletion of a sediment basin], DIRECTLY to the DISTRICT [plan approval agency] to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection; and/OR

(2) The inspector may approve minor modifications to approved erosion and sediment control plans in the field if permitted by the District's approved list of allowable field modifications and if documented on a field inspection report. The District may, in conjunction with the Department and/or Inspection Agency, develop a list of allowable field modifications for use by the inspector.

Section 244-28. Erosion and Sediment Control Complaints.

A. The Department and/or Inspection Agency shall receive complaints and initiate enforcement procedures when violations are confirmed. Any complaint received shall be acted upon, routinely within 3 days and the complainant shall be notified of any action or proposed action routinely within 7 days of receipt of the complaint.

Section 244-29. Removal of Debris.

A. No debris is to be deposited in floodplains, watercourses, public streets, highways, sidewalks or other public thoroughfares and the permittee shall promptly remove all soil, miscellaneous debris or other materials spilled, dumped or otherwise deposited in floodplains, watercourses, public streets, highways, sidewalks or other public thoroughfares during transit or operation. SOIL SHALL BE TAKEN TO A SITE WITH AN APPROVED AND ACTIVE SEDIMENT AND EROSION CONTROL PLAN.

Section 244-30. Maintenance of Protective Measures

A. The owner of any property on which grading or other work has been done pursuant to the provisions of this Chapter (or any other person, firm or corporation in control of such property) shall maintain and/or promptly repair or restore all graded surfaces, erosion control measures, vegetative and/or other protective measures. If disturbed or destroyed during the course of operations, such repair and/or restoration shall be in accordance with the approved plans, [and] the STANDARDS AND specifications AND SPECIFICATIONS MANUAL as required by this Chapter until permanent measures are accepted by the Department.

Section 244-31. Hazardous Conditions.

A. If the Department determines that an excavation, embankment, or fill endangers or adversely affects the public safety, or stability of any public or private property, as determined from the guidelines of this Chapter, the Department shall notify the owner (or other person in control) of the property, in writing. Notification shall include a description of the hazardous condition and a period of time for corrective action. If the correction is not commenced in accordance with the provisions of this Chapter within the period of time specified in said notice, the owner (or person in control) shall be subject to the penalties set forth in § 244-36 of this Chapter.

Section 244-32. Engineering Reports.

A. [When] AS required by the Department or District, inspection and testing shall be performed under the direction of a Professional Engineer who shall certify all inspection reports and test results. Such reports shall include certification by the Engineer of the adequacy of:

(1) Cleaned areas and benched or keyed surfaces prepared to receive fills[.];

(2) Removal of unsuitable materials[.];

(3) Construction of erosion control and drainage devices, buttress fills, under-drains, retaining walls, and other grading appurtenances[.]; AND

(4) The degree of compaction where tests are performed.

B. All certified inspection reports and certified test results shall be periodically submitted to the Department BI-WEEKLY during the performance of the work.

C. THE DIRECTOR MAY ESTABLISH INDUSTRY STANDARD MINIMUM ACCREDITATION REQUIREMENTS FOR ENGINEERING LABORATORIES AND PRIVATE INSPECTION AGENCIES.

D. THE DIRECTOR MAY ESTABLISH INDUSTRY STANDARD MINIMUM CERTIFICATION REQUIREMENT FOR INDIVIDUALS PERFORMING LABORATORY TESTING AND CONSTRUCTION TESTING AND INSPECTIONS.

Section 244-33. Final Reports.

A. The Department shall maintain permanent files on their inspections. Upon completion of permitted work, the Department may require the following for their files and shall also require copies for the Charles Soil Conservation District:

(1) An "as-built" plan and survey by a Professional Land Surveyor or Professional Engineer at the same scale as the original plan and showing all improvements and final grades.

(2) Certification by the Owner that all grading, drainage, erosion control measures, and facilities and vegetative measures have been completed in conformance with the approved plans and THE Specifications MANUAL.

(3) A report summarizing the inspection reports, field and laboratory tests and location tests.

(4) "As-builts" plans for ponds approved by the District. "As-built" plans shall be prepared per District requirements.

Article VIII. Enforcement; Penalties.

Section 244-34. Enforcement Procedures.

A. When the enforcement agency or an inspector determines that a violation of this Chapter has occurred, the inspector shall notify the on-site personnel or the permittee in writing of

the violation, describe the required corrective action and the time period in which to have the violation corrected.

B. If the violation persists after the date specified for corrective action in the notice of violation the enforcement agency shall stop work on the site. The enforcement agency shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.

C. If reasonable efforts to correct the violation are not undertaken by the permittee, the enforcement agency shall refer the violation for legal action.

D. The Department may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of a Building or Development Services Permit or approved Erosion and Sediment Control Plan.

E. Any step in the enforcement process may be taken at any time, depending upon the severity of the violation.

F. If a person is working without a permit, the Department and/or Inspection Agency shall stop work on the site except activity necessary to provide erosion and sediment control.

Section 244-35. Severability.

A. If any portion, section, subsection, sentence, clause, or phrase of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Chapter, it being the intent of the County Commissioners that this Chapter shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

Section 244-36. Violations and Penalties.

A. Any person who violates any provision of this Chapter is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding the maximum allowed by law or imprisonment not exceeding the maximum allowed by law or both for each violation with costs imposed in the discretion of the court. Each day upon which the violation occurs constitutes a separate offense.

B. Any agency whose approval is required under this Chapter or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this Chapter.

C. In addition to any other sanction under this Chapter, a person who fails to install or to maintain erosion and sediment controls in accordance with an approved plan shall be liable to Charles County or the State in a civil action, for damages in an amount equal to double the cost of installing or maintaining the controls and clean up of sediment damage.

D. Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:

(1) Correcting to the extent possible the failure to implement or maintain erosion and sediment controls; and

(2) Administration of the sediment control program.

[Section 244-37. Effective Date.

And be it further enacted, that this Ordinance shall take effect on July 20, 2006.]

Section 244-3[8]7. Incorporation by Reference.

A. The following documents shall be incorporated by reference:

(1) The Charles Soil Conservation District Plan Submittal Guidelines;

(2) The Standard Sediment Control Plan; and

(3) The Charles County Plan Preparation Package.

Section 244-3[9]8. Transition Provisions.

A. The revisions established in this Ordinance will apply to all active issued projects as well as all unissued Development Services permits and applications.

[Appendixes] APPENDICES A through C Existing Appendices A and B are hereby repealed in their entirety.

APPENDIX A

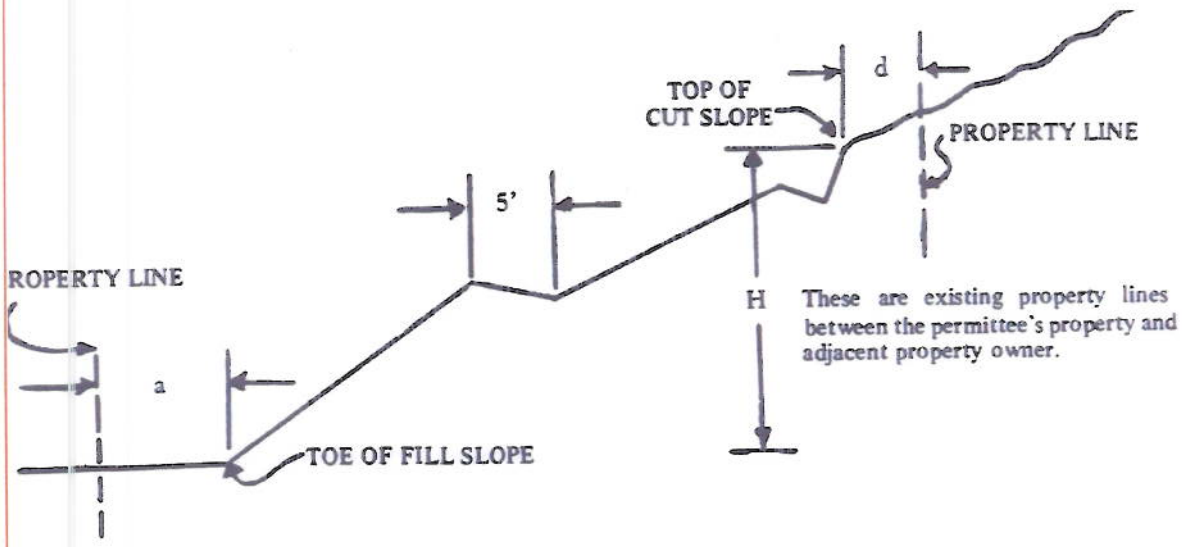
PERMIT FEE

THE FEE(S) FOR THE ISSUANCE OF A PERMIT FOR GRADING OPERATIONS AND SEDIMENT CONTROL OPERATIONS AND PERMIT EXTENSIONS SHALL BE AS THAT FOUND IN THE MOST CURRENT FEES & CHARGES SCHEDULE. THE COUNTY MAY IMPOSE MINIMUM FEES, MINIMUM FEES FOR SEDIMENT AND EROSION CONTROL INSPECTIONS OR ENFORCEMENT ACTIONS, ALTERNATE REVIEW AND/OR INSPECTION FEES FOR MINING ACTIVITIES, AND/OR ANY OTHER FEE THE COUNTY DEEMS NECESSARY FOR ANY ADMINISTRATIVE, REVIEW, INSPECTION OR ENFORCEMENT ACTION ADMINISTERED UNDER THIS ORDINANCE. THE FEE SHALL BE PAYABLE TO THE COUNTY COMMISSIONERS OF CHARLES COUNTY.
THE DISTRICT AND/OR THE COUNTY MAY IMPOSE A FEE OR MINIMUM FEE FOR THE REVIEW AND / OR ADMINISTRATION OF SEDIMENT AND EROSION CONTROL PLANS.

BOND AMOUNT

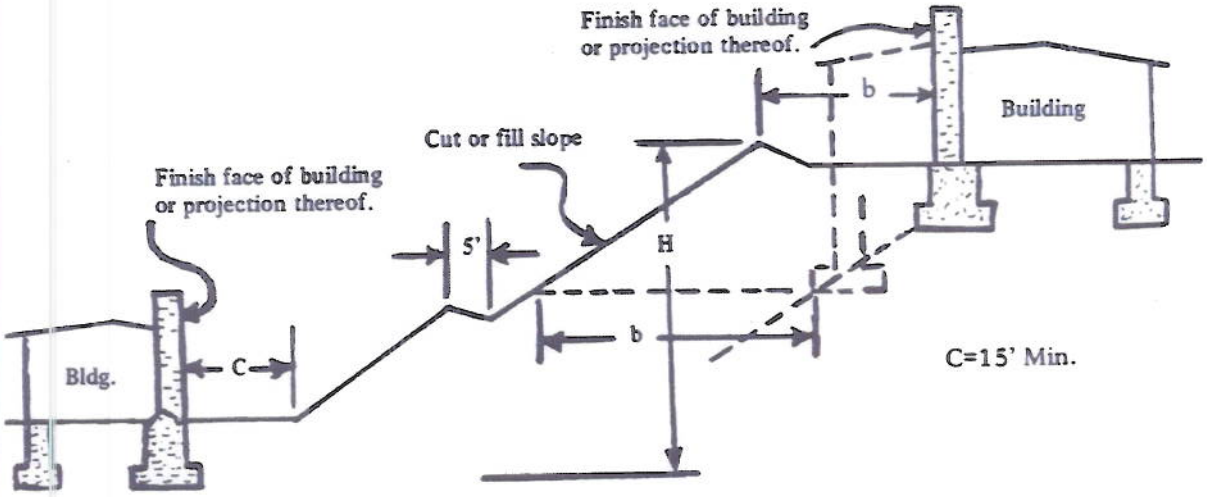
THE AMOUNT OF THE BOND FOR GRADING OPERATIONS SHALL BE BASED ON THE CURRENT UNIT PRICES FOR DEVELOPMENT AGREEMENT SECURITY AMOUNTS AND PLAN REVIEW FEES.

APPENDIX B
SAMPLE SLOPE & BULDING SETBACK



SLOPE SETBACK FROM PROPERTY LINE

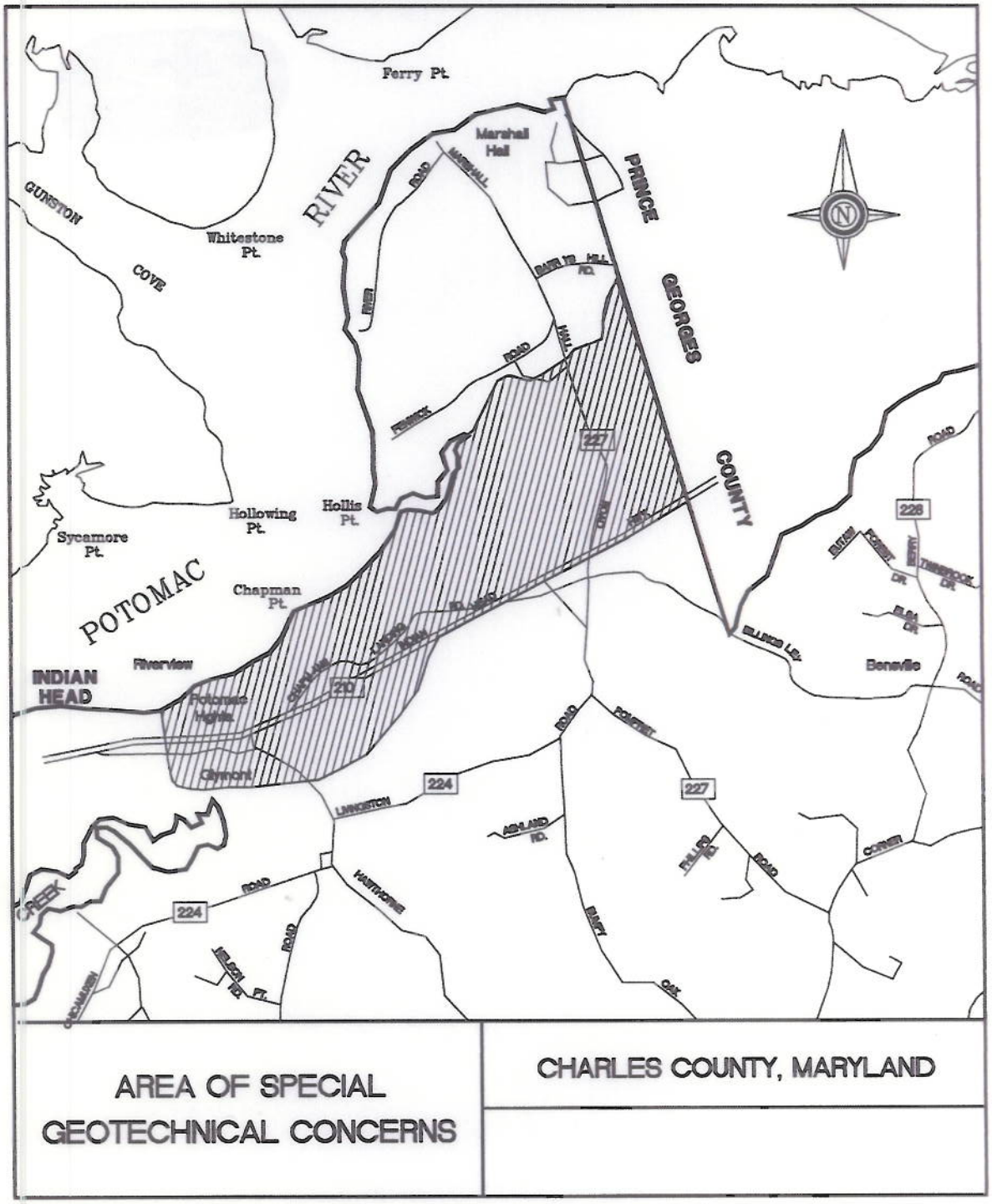
	MINIMUM	SETBACK	REQUIREMENTS
H IN FEET	Toe of fill from property line a	Top of cut from property line d	Building from top of slope b
0 - 10	2'	2'	5'
10 - 30	3'	3'	7'
over 30	5'	3'	10'



BUILDING SETBACK

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

APPENDIX C
AREA OF SPECIAL GEOTECHNICAL CONCERNS



AREA OF SPECIAL GEOTECHNICAL CONCERNS

CHARLES COUNTY, MARYLAND

1

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

SECTION 2. BE IT FURTHER ENACTED, THAT THIS ACT SHALL TAKE EFFECT FORTY-FIVE (45) CALENDAR DAYS AFTER IT BECOMES LAW.

ADOPTED THIS 18th DAY OF JULY, 2013.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Candice Quinn Kelly, President

Reuben B. Collins, II, Esq., Vice President

Ken Robinson

Debra M. Davis, Esq.

Bobby Rucci

ATTEST:

Denise Ferguson, Clerk to the Commissioners

NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.