Department of the Environment

Erosion and Sediment Control and Stormwater Management

Marcellus Shale Safe Drilling Commission Advisory Commission

January 6, 2014
Presented by Jay Sakai, MDE

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

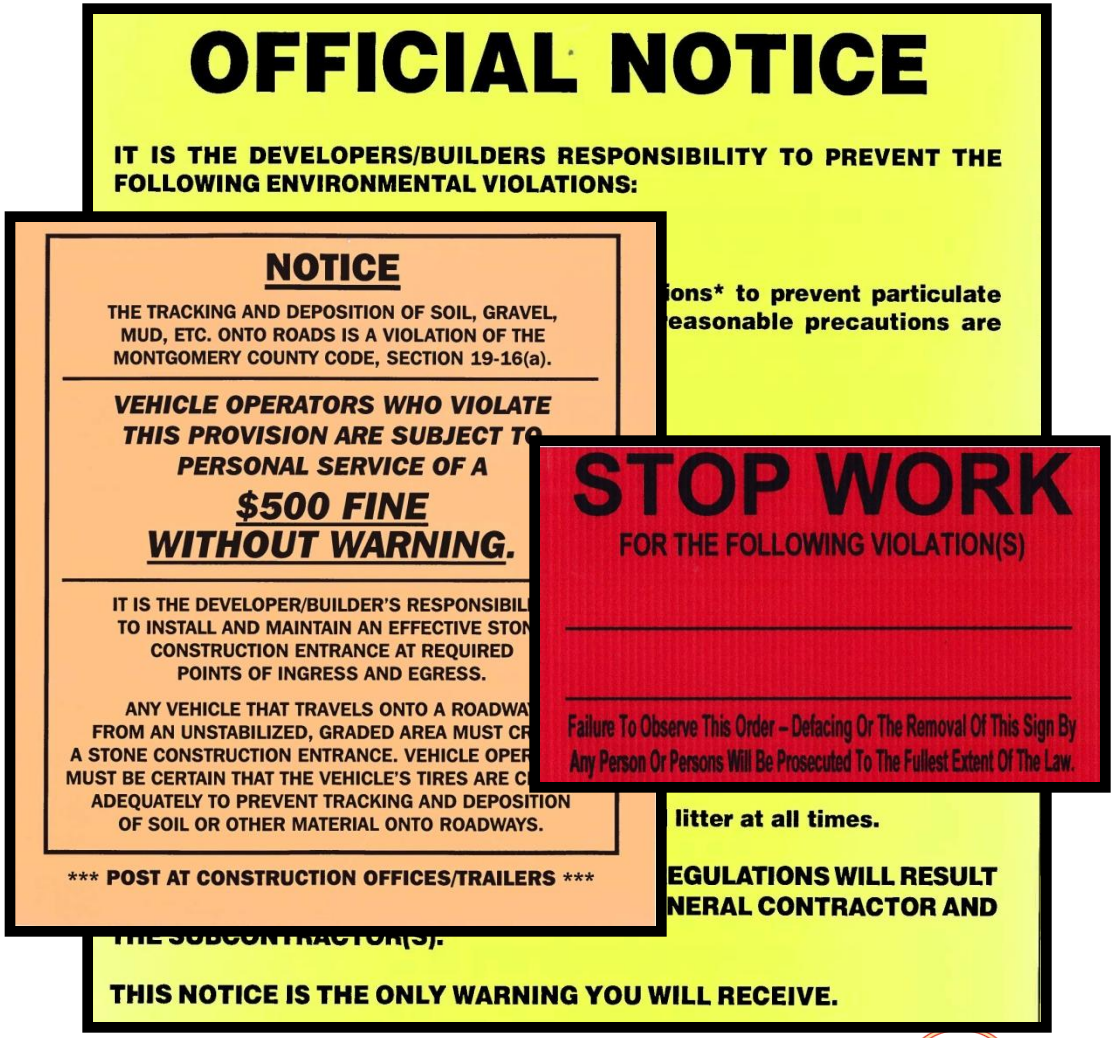
- The Stormwater Management Act of 2007 requires the implementation of environmental site design (ESD) to the maximum extent practicable
- ESD is defined as using small-scale stormwater management practices, non-structural techniques, and site planning to mimic natural hydrologic runoff characteristics (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



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