

**MAJOR AND MINOR MODIFICATIONS FOR  
MARYLAND DEPARTMENT OF THE ENVIRONMENT  
AND  
SOIL CONSERVATION DISTRICT  
APPROVED EROSION AND SEDIMENT CONTROL PLANS**

## **INTRODUCTION**

The Environment Article, Title 4, Subtitle 1 requires the Maryland Department of the Environment (the Department) to implement a statewide erosion and sediment control (ESC) program to control runoff from land disturbing activities. As part of this program, most grading activities in the State of Maryland require an ESC plan approved by the appropriate approval authority. Agricultural land management practices and agricultural best management practices, including those regulated under COMAR 26.17.03; and grading activities that disturb less than 5,000 square feet of land area and disturb less than 100 cubic yards of earth are exempt from this requirement.

Where an ESC plan is required, the site shall be inspected by the appropriate enforcement authority for compliance with the approved plan. When inspection of the site indicates that practice deficiencies or ESC plan deficiencies exist, modifications to the approved plan may be requested by the owner/developer or required by the appropriate approval or enforcement authority. All plan modifications must be made in accordance with the ESC criteria contained in the “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control” and the criteria for major and minor modifications in COMAR 26.17.01.09 H – Plan Modifications.

All major and minor field modification lists generated by a plan approval authority in conjunction with the appropriate enforcement authority shall be submitted to the Department for review and approval. The following shall constitute guidance regarding major and minor modifications of approved grading, erosion and sediment control plans and supporting documentation as necessary.

- A. Minor modifications to erosion and sediment control plans (e.g., deletion, addition, modification) to non-engineered items may be approved or authorized in the field if the changes do NOT increase the scope or change hydrology of the project. Examples include:
1. Adjustments to sediment controls (except sediment basins) needed to meet field contours and conditions and to provide positive drainage. Changes cannot negatively impact function or design performance; and
    - i. No change allowed in minimum storage capacity or minimum criteria; and
    - ii. Must maintain relative elevations per design.
  2. Changes to sediment trap dimensions to meet field conditions provided the design capacity and relative elevations are maintained;
  3. Substitution of perimeter control measures provided the measure substituted is equivalent to or an upgrade of the original measure (e.g., silt fence to super silt fence);
  4. Additions or extensions of perimeter controls to meet field conditions, including stabilized construction entrances, provided there is no impact to areas outside the limit of disturbance (LOD);
  5. Additional, redundant controls;
  6. Staging/stockpile areas within the limits of disturbance and draining to sediment controls; and
  7. Emergency measures needed to minimize/eliminate a sediment pollution problem requiring immediate attention. **NOTE: *Emergency measures of a major plan change shall necessitate a plan revision and subsequent formal approval from the appropriate Plan Approval Authority.***

All minor plan modifications to an approved grading, erosion and sediment control plan shall be documented in the daily inspection report, shown on the plan, and initialed and dated by the appropriate inspection and enforcement authority.

- B. Major modifications involve changes to the proposed erosion and sediment control plan where hydrologic/hydraulic engineering analysis/calculations are required (e.g., deletion, addition and/or modification to engineered items such as sediment traps, sediment basins). Major modifications shall be submitted to the appropriate plan approval authority for review and approval. Examples include:
1. Modifications that change the original erosion and sediment control plan by removing or adding additional area to the project, or otherwise expand or contract the scope of the original project;
  2. Changes in the sequence of construction or phasing that affect erosion/sediment control implementation or maintenance;
  3. Additional grading/construction beyond the LOD;
  4. Changes to the approved grading plan or drainage patterns including, but not limited to, steep slopes and concentrating stormwater runoff;
  5. Changes that modify the hydrology or drainage of the final design;
  6. Changes to sediment basins;
  7. Changes that downsize, eliminate, or change the type of sediment trap;
  8. Changes to downgrade sediment controls (e.g., super silt fence to silt fence; temporary gabion outlet structure to temporary stone outlet structure);
  9. Changes in type and/or function of sediment controls (e.g., diversion berm with stone outlet structure to perimeter filtering device);
  10. Changes to the drainage area of perimeter controls or practices;
  11. Additional staging and/or stockpile areas outside the LOD;
  12. Changes to the vegetative stabilization or specifications;
  13. Removal of any sediment control feature prior to stabilization of the controlled drainage area;
  14. Chemical application of flocculants for improved water quality; and
  15. Anything not considered a minor plan modification.

Revisions to an approved minor or major plan modifications list, or the use of any sediment control practice not included in the Maryland Standards and Specifications for Soil Erosion and Sediment Control requires approval by the appropriate plan approval authority or the Maryland Department of the Environment.