COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2015 Legislative Session

Bill No. CB-36-2015

Chapter No.

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Franklin, Turner and Davis

Co-Sponsors

Date of Introduction June 2, 2015

BILL

AN ACT concerning

Erosion and Sediment Control and Stormwater Management

For the purpose of updating the County's erosion and sediment control regulations to be consistent with the State of Maryland's revised erosion sediment control regulations and the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control (Standards and Specifications), as adopted by the Maryland Department of Environment in January 2012, and incorporating by reference the Prince George's County Stormwater Design Manual.

BY repealing and reenacting with amendments:

SUBTITLE 32. WATER RESOURCES
PROTECTION AND GRADING CODE.
Sections 32-105, 32-124, 32-125, 32-126, 32-127,
32-132, 32-141, 32-142, 32-143, 32-144, 32-145,
32-152, 32-153, 32-170, 32-171, 32-172, 32-175,
32-178, 32-179, 32-180, 32-182, 32-190, and 32-191
The Prince George's County Code
(2011 Edition; 2014 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 32-105, 32-124, 32-125, 32-126, 32-127, 32-132, 32-141, 32-142, 32-143, 32-144, 32-145, 32-152, 32-153, 32-170, 32-171, 32-172, 32-175, 32-178, 32-179, 32-180, 32-182, 32-190, and 32-191 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.

DIVISION 1. ADMINISTRATIVE PROVISIONS.

SUBDIVISION 2. GENERAL PROVISIONS.

Sec. 32-105. Administration; Permits; Expiration of Permits; Correction of Code Violations and Suspension or Revocation and Reissuance of Permits.

(a) Any permit issued for grading pursuant to this Subtitle shall be issued only for a period of time reasonably necessary to perform the work[, a period not to exceed 5 years], as defined in Section 32-143. Where a permit is issued, extended, reissued, renewed or reinstated to correct a violation, the permit shall not exceed ninety (90) days. The initial period of the permit shall be established by the Director based upon the extent of the work required to correct the violation. The permit may be extended or renewed beyond the ninety (90) days, only if the violations have been corrected, [for an additional period of] in one-year increments if, in the opinion of the Director, the applicant has demonstrated substantial progress to complete the work in accordance with the permit and has demonstrated substantial justification for failure to complete the work within the period of the permit. The Board of Appeals shall have no authority to grant an extension to the period of the permit.

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(c) A permit under which no work is commenced within one hundred eighty (180) days after issuance shall expire and become null and void; provided, however, that the Director may extend the time, as defined in Section 32-143, [not to exceed an additional one hundred eighty (180) days] upon sufficient justification shown.

(d) A permit under which work has been started and later suspended or discontinued shall expire and become null and void six (6) months after the work has stopped. Work will be considered suspended when the permittee fails to prosecute the work so as to ensure completion within a reasonable period of time.

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(f) When a permit has expired for failure to commence work, it may be extended, renewed, reissued or reinstated within a period of [thirty (30) days from the date of expiration] 60 days prior to the permit expiration date, if the project conditions are in substantial compliance with this subtitle and State law under which the permit was originally issued. A written request and payment of required renewal or extension fees must be received sixty (60 days) prior to the

permit expiration date. A fee shall be collected for each renewal, reissuance or reinstatement, as further defined in Section 32-143. [; provided, however, that no permit shall be renewed more than two (2) times.]

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DIVISION 2. GRADING, DRAINAGE AND [POLLUTION CONTROL] EROSION AND SEDIMENT CONTROL.

Sec. 32-124. Purpose.

The purpose of this Division is to prevent property damage, protect living resources and prevent environmental degradation to safeguard the public's health, safety, welfare and economic well-being by establishing minimum requirements for grading, reforestation, woodland conservation, drainage, erosion control and pollution discharge and control on land and to watercourses within Prince George's County, Maryland, and to establish procedures by which these requirements are to be administered and enforced. It is the further purpose of this Division to implement the provisions of the [Environment Article-Title 4, Subtitle 1 of the Annotated Code of Maryland, so as to safeguard the natural resources of the County and of the State of Maryland by controlling erosion and sediment deposition on lands and in waters within the watersheds of the State and to prevent their pollution.] Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Act of 2007 (Act). Implementing this Ordinance will help reduce the negative impacts of land development on water resources, maintain the chemical, physical, and biological integrity of streams, and minimize damage to public and private property.

The provisions of this Ordinance pursuant to Title 4, Subtitle 1 of the Environment Article of the Annotated Code of Maryland are adopted under the authority of the County Code and shall apply to all land grading occurring within the County. The application of this Ordinance 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.

Sec. 32-125. Definitions.

(a) Wherever the following words are used in, or in conjunction with, the administration of this Division, they shall have the following meaning:

(1) **Act.** Maryland Stormwater Act of 2007.

(2) **Administration.** Maryland Department of the Environment (MDE) Water Management Administration (WMA).

(3) **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, which are or may potentially be harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability or that unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

[(1)] (4) **Afforestation.** The establishment of a biological community of perpetual woodlands either through the planting of trees in an area from which trees have always or very long been absent, or planting of open areas which are not presently in forest cover.

[(2)] (5) **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/or timber harvesting operations shall not be considered a part of this definition.

(6) **Applicant.** Any person, firm, or government agency that executes the necessary forms to apply for a permit or approval to carry out construction of a project.

(7) **Approval authority.** The entity responsible for the review and approval of erosion and sediment control plans is the Prince George's Soil Conservation District.

[(3)] (8) **ASTM.** The American Society for Testing Materials.

[(4)] (9) **Bedrock**. The solid undisturbed rock in place either at the ground surface or beneath surficial soil deposits.

(10) **Best management practice (BMP).** A structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

[(5)] (11) **Borrow Pit.** The source of earth or bank-run sand and gravel from below the ground surface by open pit excavation as a single incident on a site for use at a single construction site elsewhere, otherwise, the excavation will be classed as open-pit mining.

[(6)] (12) **Building Pad.** The immediate site for a building including the area actually covered, plus the adjacent peripheral fringe area having a reasonable slope away from the building.

[(7)] (13) **Certification or to Certify.** A signed written statement that specific plans and specifications, construction, inspections, or tests have been prepared and performed, and that such comply with the requirements of this Division.

[(8)] (14) **Chesapeake Bay Critical Area.** All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands' maps; and all State and private wetlands designated under the Annotated Code of Maryland, Natural Resources Article, Title 9; and all land and water areas within one thousand (1,000) feet beyond the landward boundaries of State or private wetlands and heads of tide designated under the Annotated Code of Maryland, Natural Resources Article Title 9, as indicated on approved Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

[(9)] (15) **Class I Fill.** Load-bearing fills proposed for support of buildings, walls and other structures, the function thereof which would be especially impaired by settlement.

[(10)] (16) **Class 2 Fill.** Load-bearing fills proposed for support of roadways, pavements, rigid utility lines, house connections, and structures which would not be especially impaired by moderate settlement.

[(11)] (17) **Class 3 Fill.** Common fills proposed for lawns, landscape plantings, or for other nonload-bearing usage.

(18) **Clear.** To remove vegetation and the vegetative ground cover while leaving the root mat intact.

[(12)] (19) **Compaction.** Densification of soil or rock fills by mechanical or other acceptable procedures.

(20) **Concept plan.** The first of three plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02 and shall include the information necessary to allow an initial evaluation of a proposed project.

[(13)] (21) **Conservation Agreement.** A formal agreement which commits a grading or building permit applicant to the execution of various approved elements of a Conservation Plan, including a stormwater management concept plan, an erosion and sedimentation concept plan, a vegetation management plan, and other plans which may be required by the Department of Permitting, Inspections, and Enforcement or the Prince George's County Planning Board.

[(14)] (22) **Conservation Plan.** A plan developed in accordance with Subtitle 5B, which demonstrates how a project has been designed to meet the specific Critical Area

Commission criteria. The Conservation Plan consists of an approved stormwater management concept plan, an approved sediment and erosion control plan, a vegetation management plan, and such other plans relating to environmental systems as may be required by the Washington Suburban Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Prince George's County Health Department, the Department or the Prince George's Soil Conservation District.

[(15)] (23) **Control Measures.** Structural or nonstructural devices or practices, or a combination thereof, which reduce pollutant discharges through control, treatment, prevention, management or monitoring measures and processes.

(24) **County.** Prince George's County Government.

[(16)] (25) **Cultivation.** Plowing, dicing, harrowing and tilling of existing farm fields for the production of crops and livestock.

[(17)] (26) **Department.** Department of Permitting, Inspections, and Enforcement.

[(18)] (27) **Director**. The Director of the Department of Permitting, Inspections, and Enforcement or the Director's designee.

[(19)] (28) **Discharge.** Any dumping, pumping, placement, storage, use, draining, handling, washing, tracking, spilling, leaking, transportation, conveyance or disposal practice or any other mechanism which may result in or may allow pollutants to enter onto land or within the watercourses of the County.

[(20)] (29) **Drainage.** Stormwater runoff, snow melt runoff, surface runoff or ground water flows.

(30) **Drainage area.** That area contributing runoff to a single point measured in a horizontal plane that is enclosed by a ridge line.

[(21)] (31) **Drainage System.** Any natural system or man-made device, mechanism or measure used in any manner for the collection, conveyance, management, treatment, disposition or disposal of drainage.

[(22)] (32) **Dust Free Surface.** A ground composed of rolled and compacted cinders, gravels or other approved nonabsorbent materials to prevent rising of dust on roads, access ways, driveways and parking lots.

[(23)] (33) **Embankment of Fill.** A deposit of soil, rock or other materials placed by man.

[(24)] (34) **Engineering Geology.** The application of geological data and principles to engineering problems dealing with naturally occurring rock and soil, for the purpose of assuring that geological factors are recognized and adequately interpreted in engineering practice.

(35) **Environmental Site Design (ESD).** Using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources.

[(25)] (36) **Erosion.** The process by which the ground surface is worn away by the action of wind [and/or], water, ice, or gravity.

(37) **Erosion and sediment control.** A system of structural and vegetative measures that minimizes soil erosion and off-site sedimentation.

[(26)] (38) **Erosion and Sediment Control Plan.** An erosion and sediment control strategy or plan, designed to minimize 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 Prince George's Soil Conservation District and this Subtitle, and designed in accordance with the Standards and Specifications].

[(27)] (39) **Excavation or Cut.** An act, by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

(40) **Exemption.** Those land development activities that are not subject to the erosion and sediment control requirements contained in this Ordinance.

[(28)] (41) **Existing Grade.** The vertical location of the existing ground surface prior to excavating or filling.

(42) **Final Erosion and Sediment Control Plan.** The last of three (3) erosion and sediment control plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02. Final erosion and sediment control plans shall be prepared and approved in accordance with the specific requirements of the Prince George's Soil Conservation District and this Ordinance and designed in accordance with the Standards and Specifications.

[(29)] (43) **Finished or Proposed Grade.** The final grade or elevation of the ground, drainage or other structures conforming to the proposed design.

[(30)] (44) **Forest Stand Delineation (FSD).** A detailed accounting of woody vegetation prepared in plan and document form, as required by Subtitle 25.

[(31)] (45) **Grading.** Any stripping, removal of topsoil, excavating, filling, stockpiling, grubbing, removing root mat or any combination thereof, including the condition resulting therefrom.

[(32)] (46) **Grading Permit.** A permit issued to authorize work to be performed under this Division. The permit for grading and/or site development intended as an incident to building construction may be included as part of the building permit.

(47) **Grading unit.** The maximum contiguous area allowed to be graded at a given time. For the purposes of this Ordinance, a grading unit is 20 acres or less.

(48) **Highly erodible soils.** Those soils with a slope greater than 15 percent or those soils with a soil erodibility factor K, greater than 0.35 and with slopes greater than 5 percent.

(49) **Inspection Agency.** Means the Administration or, if delegated enforcement authority, Prince George's County.

[(33)] (50) **Landscape Architect.** A person duly registered or authorized to practice landscape architecture in the State of Maryland and qualified to prepare grading plans and specifications.

[(34)] (51) **Load-Bearing Fill.** Fill placed in a controlled manner to support structure foundations, vehicular traffic, or any earthwork which the instability thereof would constitute a public hazard or nuisance.

(52) **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.

[(35)] (53) **Mitigation.** The offsetting of forest values lost due to the destruction of woodlands without a permit or contrary to an approved Tree Conservation Plan by replanting woodlands or agreed upon means.

[(36)] (54) **Natural Ground Surface**. The ground surface in its original state before any grading, excavation or filling.

[(37)] (55) **Net Tract Area.** For the purposes of woodland conservation, the gross tract area minus the approved one hundred (100) year floodplain and areas previously dedicated for public use.

[(38)] (56) **One Hundred (100) Year Floodplain.** That area which would be inundated by a flood that has a one percent (1%) chance of being equaled or exceeded in any given year.

[(39)] (57) **Open-Pit Mining.** The continuing or reoccurring removal of material from below the ground surface by open excavation on a site for immediate or ultimate use at the same or other site in processing and manufacturing of building and construction materials or any other products, or at various locations elsewhere in its natural state.

(58) **Owner/Developer.** A person undertaking, or for whose benefit activities covered by this Ordinance are carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

[(40)] (59) **Permittee.** Any person to whom a permit is issued pursuant to this Division.

(60) **Person.** Includes 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 entity.

[(41)] (61) **Pollutant.** Sediment runoff due to erosion.

[(42)] (62) **Ponding.** Water that remains on the ground surface in a single area larger than sixteen (16) square feet for more than forty-eight (48) hours after a rain event where cold weather conditions (such as, but not limited to, frozen ground or combined ice, snow or rain event) are not a contributing factor in water remaining on the ground surface.

[(43)] (63) **Prince George's Soil Conservation District.** One (1) of twenty four (24) soil conservation districts created pursuant to Subtitle 3 of the Agricultural Article of the Annotated Code of Maryland.

[(44)] (64) **Professional Engineer.** A person duly registered or otherwise authorized by the State of Maryland to practice in the field of engineering.

[(45)] (65) **Reforestation.** The re-establishment of a biological community of perpetual woodlands through the planting of trees on areas from which trees were recently removed.

[(46)] (66) **Refuse.** See "solid wastes (refuse)."

(67) **Responsible personnel.** Any foreman, superintendent, or project engineer who is in charge of on-site clearing and grading operations or the implementation and maintenance of an erosion and sediment control plan.

[(47)] (68) **Sediment.** Soils or other surficial materials transported or deposited by [surface water as a product of erosion] the action of wind, water, ice, gravity, or artificial means.

[(48)] (69) **Significant Drainage.** Surface drainage rates that exceed three (3) cubic feet per second based on the ten (10) year storm event as calculated by the Rational Method.

[(49)] (70) **Site.** [Any lot or parcel of land combination of contiguous lots or parcels of land.] Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land that 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.

[(50)] (71) **Site Development.** The resulting condition of land improvements through the constructing, installing, placing or planting of: open and closed storm drainage facilities, stormwater management facilities, supporting foundations for utility lines and service (house) connections, parking lots, driveways, curbs, pavements, steps, sidewalks, bike paths, recreational facilities, patios, ground planters, ground covers, plantings, landscaping and logging and timber harvesting operations.

(72) **Site Development Plan.** The second of three (3) plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02. A site development plan shall include the information necessary to allow a detailed evaluation of a proposed project.

[(51)] (73) **Slope.** The inclined exposed surface of a fill, excavation or natural terrain.

[(52)] (74) **Soil.** All earth material of whatever origin that overlies bedrock and may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

[(53)] (75) **Soil Engineer.** A professional engineer who is qualified by education and experience to practice applied soil mechanics and foundation engineering.

[(54)] (76) **Solid Wastes (Refuse).** The same as defined in Subtitle 21 of this Code.

(77) **Stabilization.** The protection of exposed soils from erosion by the application of seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

[(55)] (78) **Standards and Specifications.** [The current version of the "Maryland

Standards and Specifications for Soil Erosion and Sediment Control" as adopted by the Prince George's Soil Conservation District.] The "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control" and any subsequent revisions.

(79) **Stormwater.** Water that originates from a precipitation event.

(80) **Stormwater Management System.** Natural areas, ESD practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

[(56)] (81) **Stripping.** Any activity which removes or significantly disturbs the vegetation surface cover including clearing, grubbing of stumps and root mat and top soil removal.

[(57)] (82) **Structural Rock Fills.** Fills including limited amounts of rubble, broken asphalt, brick or concrete.

[(58)] (83) **Surveyor.** A registered land surveyor licensed to practice land surveying in the State of Maryland and qualified to prepare grading plans and specifications.

[(59)] (84) **Timber Harvesting (Logging).** The severing of any size tree above ground level leaving the root system and all stumps intact, except for the purpose of providing a temporary access for some other use, or for the removal of a dead, dying or hazardous tree. A Tree Conservation Plan may be required for the timber harvesting activities to be conducted in conformance with Subtitle 25.

[(60)] (85) **Topsoil.** Soil to be used as topsoil, and the placement of topsoil over a prepared subsoil prior to the establishment of permanent vegetation, shall meet the specifications of, and be in accordance with, Maryland Department of the Environment, Standards and Specifications for Soil Erosion and Sediment Control, [21.0] B-4-2 Standards and Specifications for [Topsoil or approved subsequent revisions thereof] soil preparation, and soil amendments.

[(61)] (86) **Tree Conservation Plan (TCP).** A site map that delineates woodland conservation areas and the associated text that details requirements, penalties, and mitigation as described in Subtitle 25.

(87) **Variance.** The modification of the minimum erosion and sediment control requirements for exceptional circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

[62)] (88) **Watercourse.** Any natural or improved stream, river, creek, ditch, channel,

canal, conduit, culvert, drain, gully, swale or wash in which waters flow either continuously or intermittently.

(89) **Watershed.** The total drainage area contributing runoff to a single point.

Sec. 32-126. Permits Required.

(a) Grading Permit. Except as exempted in Section 32-127, no person shall do, nor shall the property owner permit any site development or grading of land for any purpose without the owner/permittee of the said land first having obtained a grading permit from the Director. Before a grading permit for any site is issued by the County, the Prince George's Soil Conservation District must review and approve an erosion and sediment control plan for the site.

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(h) No person shall disturb land without implementing soil erosion and sediment controls in accordance with the requirements of this Ordinance and the Standards and Specifications except as provided within this Section.

Sec. 32-127. Exceptions to Grading Permit.

(a) Provided all other provisions of this Division are met and excluding the property located within the Chesapeake Bay Critical Area Overlay Zone, no grading or storm drain connection permit will be required under the following conditions:

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(6) Grading, as a maintenance measure, or for landscaping or construction purposes on existing developed lots or parcels, provided:

(A) The aggregate of area(s) affected or bare-earthed at any one (1) time does not exceed five thousand (5,000) square feet or disturb less than 100 cubic yards of earth;

(B) The grade change does not exceed twelve (12) inches at any point and does not alter the drainage pattern;

(C) All bare earth is promptly seeded, sodded or otherwise effectively protected from erosive actions.

(D) Does not require a Tree Conservation Plan per Subtitle 25.

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Sec. 32-132. Waiver and Variances.

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[(b) The Prince George's Soil Conservation District may grant a written waiver 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 Subtitle. The applicant shall submit a written request for a waiver to the Prince George's Soil Conservation District. The request shall state the specific waiver sought and reasons for requesting the variance. The Prince George's Soil Conservation District shall not grant a waiver unless and until sufficient specific reasons justifying the waiver are provided by the applicant.]

(b) **Erosion and Sediment Control Variances:** The Prince George's Soil Conservation District may only grant a variance from the requirements of the Standards and Specifications when strict adherence will result in unnecessary hardship and not fulfill the intent of this Ordinance. The owner/developer shall submit a written request for a variance to the Prince George's Soil Conservation District. The request must state the specific variance sought and the reasons for the request. The Prince George's Soil Conservation District shall not grant a variance unless and until sufficient information is provided describing the unique circumstances of the site to justify the variance.

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Sec. 32-141. Enforcement Action Upon Noncompliance.

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(e) Erosion and Sediment Control Enforcement

(1) The County shall, through the authority of this Ordinance and COMAR 26.17.01 use enforcement action when erosion and sediment control violations occur.

(2) Enforcement actions may include, but are not limited to:

(A) Issuance of a corrective action order;

(B) Issuance of a stop work order, the extent of which is determined by the County;

(C) Issuance of a penalty or fine as allowed; and

(D) Referral for legal action.

(3) The County 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 grading permit or approved erosion and sediment control plan.

(4) The County shall stop work on a site where land disturbance is occurring without an approved erosion and sediment control plan, if not otherwise exempt. Measures shall be

required to be implemented to prevent off-site sedimentation.

(f) Severability: If any portion, section, subsection, sentence, clause, or phrase of this Ordinance 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 Ordinance, it being the intent of the County that this Ordinance shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

(g) Penalties

(1) Any person who violates any provision of this Ordinance is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a fine not exceeding $10,000 or imprisonment not exceeding one year 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.

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

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

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

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

(B) Administration of the sediment control program.

32-142. [Changes to Plans] Modifications to Approved Erosion and Sediment Control Plans.

[(a) All changes or modifications to the approved grading plans must be submitted to and approved by the Director. All necessary substantiating reports shall be submitted with any proposal to modify the approved grading plans. No grading or other work in connection with any proposed modification shall be permitted without the prior written approval of the Director.]

[(b) When inspection of a site indicates that the approved erosion and sediment control plan needs change, the change shall be in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:]

[(1) The permittee shall submit requests for major revisions to approved erosion and sediment control plans, such as the addition or deletion of a sediment basin, to the Prince George's Soil Conservation District to be processed appropriately. This processing includes revisions due to plan and site discrepancies and inadequacies controlling erosion and sediment as revealed through inspection; major revisions affecting the limits of disturbance shall require a revised Tree Conservation Plan; and]

[(2) The Director may approve minor modifications to approved erosion and sediment control plans in the field if documented on a field inspection report. The modification shall be noted on the approved plans, signed by an inspector and dated. The Prince George's Soil Conservation District, shall in conjunction with the Department of Permitting, Inspections, and Enforcement, develop a list of allowable field modifications for use by field inspection personnel; minor revisions resulting in less than 5,000 square feet of vegetation removal per site may be verified.]

(a) The Prince George's Soil Conservation District may require the revision of approved plans as necessary. Modifications may be requested by the owner/developer, the inspection agency, or the County in accordance with COMAR 26.17.01.09(H) Plan Modifications.

(b) The Prince George's Soil Conservation District shall develop a list of minor modifications that may be approved as field revisions by the inspection agency. The Administration shall review and approve any list of minor modifications prior to its implementation.

Sec. 32-143. Time Limits.

(a) Generally. [No grading or drainage system connection permits shall be issued for a period to exceed 5 years.] Grading or drainage system connection permits shall be issued for a period not to exceed two (2) years where the estimated cost of work is less than Five Hundred Thousand Dollars ($500,000.00) and for a period not to exceed three (3) years where the estimated cost of work is equal to or more than Five Hundred Thousand Dollars ($500,000.00). The permittee shall fully perform and complete all of the work shown on the plans within the time limit specified in the permit.

(b) Extension. Prior to the expiration of a grading permit, the permittee may present a written request for an extension to the Director. If[, in the opinion of the Director] an extension is warranted, [a one-time extension, not to exceed one (1) year may be granted] it may be granted in one year increments, one year at a time. Extension fees shall be calculated at the same rate as permit fees, and based on the amount of site area that has not received final inspection approval. Extension fees for road construction included in a grading permit shall be calculated in accordance with Section 23 of the County Code. The applicability of bonding requirements shall be adjusted accordingly. Application for permit renewal and extension shall be made at least sixty (60) days prior to the permit expiration date.

(c) Permit Expiration and Renewal. Application for permit renewal and extension shall be made at least sixty (60) days prior to the permit expiration date.

(d) Extension beyond 6 years. If, in the opinion of the Director, a permit extension beyond six (6) years is warranted, it may be granted in one year increments. Such extensions require justification from the permittee and approval by the Director of the Department of Permitting, Inspections and Enforcement.

(e) No Activity. If no site work and/or no site inspections have occurred in a six (6) month period, the County may, in its sole discretion, default or close the permit.

Sec. 32-144. Inspection and Supervision.

(a) The Director or his designee shall inspect all work and shall require that the permittee furnish adequate supervision, documentation of satisfactory testing and compaction prepared and certified by a professional engineer duly registered in the State of Maryland for all Class 1, Class 2 and Class 3 fills as deemed necessary.

(b) [Prior to the] After the issuance of a grading permit, the permittee, the contractor and/or their agents shall attend a preconstruction meeting on-site with the Director or his designee on each site requiring an approved sediment and erosion control plan.

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(e) The owner/developer shall maintain a copy of the approved erosion and sediment control plan on site.

(f) Every active site having an approved erosion and sediment control plan should be inspected for compliance with the plan on average, once every two (2) weeks.

(g) The County shall notify the on-site personnel or the owner/developer in writing when

violations are observed, describing:

(1) The nature of the violation;

(2) The required corrective action; and

(3) The time period in which to have the violation corrected.

(h) Right of Entry: It shall be a condition of every grading or building permit that the County has the right to enter property periodically to inspect for compliance with the approved plan and this Ordinance.

(i) Complaints: The County shall accept and investigate complaints regarding erosion and sediment control concerns from any interested parties and:

(1) Conduct an initial investigation within three (3) working days from receipt of the complaint;

(2) Notify the complainant of the initial investigation and findings within seven (7) days from receipt of the complaint; and

(3) Take appropriate action when violations are discovered during the course of the complaint investigation.

(j) For inspection and enforcement of the woodland conservation program and the erosion and sediment control program, the following shall be required:

(1) Ensure that approved tree conservation plans and approved Erosion and Sediment Control plans and permits are on the site and are complied with;

(2) Ensure that every active site having an erosion and sediment control plan is inspected for compliance with the approved plan on the average of once every two weeks; and

(3) Prepare written reports after every inspection that describe:

(A) The date and location of this site inspection;

(B) Whether the approved plan has been properly implemented and maintained;

(C) Practical deficiencies or erosion and sediment control plan deficiencies; and

(D) If a violation exists, the type of enforcement action that is taken.

(E) If applicable, a description of any modifications to the plan.

Section 32-145. Reports.

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(b) Prepare written reports after every inspection that describe:

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

(2) Whether the approved plan has been properly implemented and maintained;

(3) Practical deficiencies or erosion and sediment control plan deficiencies;

(4) If a violation exists, the type of enforcement action that is taken; and

(5) If applicable, a description of any modifications to the plan.

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Sec. 32-152. Ground Stabilization.

(a) All graded surfaces shall have suitable soil for permanent vegetative growth; free of any rocks, stones or other nonirreducible/nonorganic matter larger than one and one-half (1 ½) inches in diameter; [diced] disked and raked; and shall be limed, fertilized, seeded, mulched with tack or sodded, planted or otherwise protected from erosion; and shall be watered, tended and maintained until growth is well established.

(1) Topsoil shall be in accordance with the Maryland Department of the Environment, Standards and Specifications for Soil Erosion and Sediment Control, [21.0] B-4-2 Standard and Specifications for [Topsoil,] Topsoiling and soil amendments or approved subsequent revisions thereof.

(2) Stabilization methods and materials shall be in accordance with the Maryland Department of the Environment, Standards and Specifications for Erosion and Sediment Control, [20.0] B-4-4, B-4-5, Standards and Specifications for [Vegetative Stabilization] Temporary and Permanent Stabilization, or approved subsequent revisions thereof.

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Sec. 32-153. Contents, Review and Approval of the Erosion and Sediment Control Plan.

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(b) At a minimum, [A]applicants shall submit the following information to the Prince George's Soil Conservation District:

(1) A letter of transmittal and/or application known as a site analysis;

(2) A vicinity sketch indicating north arrow, scale and other information necessary to easily locate the property;

[(3) A plan at an appropriate scale indicating at least:]

[(A) Name, address and telephone number of:]

[(i) The owner of the property where the grading is proposed;]

[(aa) The applicant;]

[(B) The existing and proposed topography;]

[(C) The proposed grading and earth disturbance including:]

[(i) Surface area involved;]

[(ii) Excess spoil material;]

[(iii) Use of borrow material;]

[(iv) Specific limits of disturbance consistent to that shown on an approved Type 2 Tree Conservation Plan; and]

[(v) A clear and definite delineation of all woodland conservation areas and areas to remain undisturbed consistent with the approved Type 2 Tree Conservation Plan;]

[(D) Storm drainage provisions, including:]

[(i) Velocities and quantities of 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 top soil and limit disturbance;]

[(ii) Details of grading practices;]

(3) Drainage area map(s) showing existing, interim, and proposed topography, proposed improvements, standard symbols for proposed sediment control features, 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;

(4) The location of natural resources, wetlands, floodplains, highly erodible soils, slopes 15 percent and steeper, and any other sensitive areas;

(5) A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the Prince George's Soil Conservation District or the USDA Natural Resources Soils Conservation Service;

(6) Proposed stormwater management practices;

(7) An Erosion and sediment control plan at an appropriate scale, including at least:

(A) Name, address and telephone number of:

(i) The owner of the property where the grading is proposed;

(ii) The applicant; and

(iii) The developer.

(B) 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;

(C) Scale, project and sheet title, and north arrow on each plan sheet;

(D) The proposed grading and earth disturbance including:

(i) Total disturbed area;

(ii) Volume of cut and fill quantities;

(iii) Volume of borrow and spoil quantities;

(iv) Specific limits of disturbance consistent to that shown on an approved Type 2 Tree Conservation Plan; and

(v) A clear and definite delineation of all woodland conservation areas and areas to remain undisturbed consistent with the approved Type 2 Tree Conservation Plan;

(E) Scale, project and sheet title, and north arrow on each plan sheet;

(F) The limit of disturbance (LOD) including:

(i) Limit of grading (grading units, if applicable); and

(ii) Initial, interim, and final phases;

(G) Storm drainage features, including:

(i) Existing and proposed bridges, storm drains, culverts, outfalls, etc;

(ii) Velocities and quantities of peak flow rates at outfalls for the two-year and ten-year frequency storm events; and

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

(H) Erosion and sediment control practices to minimize on-site erosion and prevent off-site sedimentation including:

(i) The salvage and reuse of top soil;

(ii) Phased construction and implementation of grading unit(s) to minimize disturbances, both in extent and duration, not to exceed 20 acres;

(iii) Location and type of all proposed erosion and sediment control practices;

(iv) Design details and data for all erosion and sediment control practices; and

(v) Specifications for temporary and permanent stabilization measures including, at a minimum:

a. The "Standard Stabilization Note" on the plan stating: "Following initial soil disturbance or re-disturbance, permanent or temporary stabilization must be completed within:

1. 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

2. Seven (7) calendar days as to all other disturbed or graded areas on the project site not under active grading."

b. Details for areas requiring accelerated stabilization; and

c. Maintenance requirements as defined in the Standards and Specifications;

[(4)] (8) Design details for structural controls;

[(5)] (9) Details of temporary and permanent stabilization measures including placement of the statement on the plan that following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days for the surface of all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than 3 horizontal to 1 vertical (3:1), and for all embankments of ponds, basins and traps; and fourteen (14) days for all other disturbed or graded areas on the project site provided that the requirements of this Section 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;

[(6)] (10) A [S]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 Prince George's Soil Conservation District

prior to proceeding with construction. The sequence of construction shall, at a minimum, include a schedule and time frame for the following [activities]:

(A) Request for a pre-construction meeting with the Department;

[(A)](B) Clearing and grubbing for those areas necessary for installation of perimeter controls;

[(B)](C) Construction and stabilization of perimeter controls within installed perimeter controls;

[(C)](D) Remaining clearing and grubbing;

[(D)](E) Road grading;

[(E)](F) Grading for the remainder of the site;

[(F)](G) Utility installation and [whether storm drains will be used or blocked after construction] connections to existing structures;

(H) Construction of buildings, roads, and other construction;

[(G)](I) Final grading, landscaping [or] and stabilization;

[(H) Removal of controls;]

(J) Construction of building roads and other construction;

(K) Installation of stormwater management measures;

(L) Approval of the appropriate enforcement authority prior to removal of sediment controls; and

(M) Removal of controls and stabilization of areas that are disturbed by removal of sediment controls.

[(7)] (11) A statement placed on the plan indicating that the [permittee] owner/developer or representative shall request that the Department of Permitting, Inspections, and Enforcement or its agent approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and this Division, and that the [permittee] owner/developer or representative shall obtain written inspection approvals by the Director or his designee at the following stages in the development of the site, or of each subdivision thereof:

(A) Prior to the start of earth disturbance;

[(A)](B) Upon completion of installation of tree protection devices, followed by the 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;

[(B)](C) Upon completion of stripping, the stockpiling of top soil, the construction of temporary sediment and erosion control facilities, disposal of all waste material and preparation of the ground;

[(C)](D) Upon completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers;

(E) Prior to the start of another phase of construction or opening of another grading unit;

(F) Prior to the removal of sediment control practices; and

[(D)](G) Upon completion of final grading, reforestation, permanent drainage, and erosion control facilities including established ground covers and planting, and all other work of the building permit;

[(8)] (12) Certification by the owner/developer or permittee that any clearing, grading, construction or development, or all of these, will be done pursuant to [this plan] the approved erosion and sediment control plan. The certification must also require [and] that responsible personnel involved in the construction project will have a Certification of Training at a State of Maryland Department of the Environment approved training program (i.e. Green Card Certification) for the control of sediment and erosion before beginning the project. The Certification of Training for Responsible Personnel requirement may be waived by the Prince George's Soil Conservation District on any project involving four (4) or fewer residential units[; and]. Additionally, the owner/developer shall allow right of entry for periodic on-site evaluation by the Prince George's Soil Conservation District, the Department, and/or MDE; and

(13) Certification by a professional engineer, land surveyor, landscape architect (only for plans with no hydraulic and hydrologic calculations), or forester (for forest harvest operations only) registered in the State that the plans have been designed in accordance with erosion and sediment control laws, regulations, and standards, if required by the Prince George's Soil Conservation District or the Administration.

[(9)] (14) In approving the plan, the Prince George's Soil Conservation District may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this

Division, the State Sediment Control Regulations, COMAR 26.17.01, the Standards and Specifications, or the preservation of public health and safety.

(c) Review and Approval of Erosion and Sediment Control Plans

(1) A person may not grade land without an erosion and sediment control plan approved by the Prince George's Soil Conservation District if the site is not exempt from these requirements.

(2) The Prince George's Soil Conservation District shall review erosion and sediment control plans to determine compliance with this Ordinance and the Standards and Specifications prior to approval. In approving the plan, the Prince George's Soil Conservation District may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance, COMAR 26.17.01, the Standards and Specifications, and the preservation of public health and safety.

(3) The review and approval process shall be in accordance with the comprehensive and integrated plan approval process described in the Standards and Specifications, Prince George's County Stormwater Ordinance, and the Act.

(4) At a minimum, a concept plan must include the mapping of natural resources and sensitive areas including highly erodible soils and slopes greater than 15 percent as well as information required under Prince George's County Stormwater Ordinance. These areas are to remain undisturbed or an explanation must be included with either the concept or site development plan describing enhanced protection strategies for these areas during construction. Approved concept sediment control plans remain valid for three (3) years from the date of approval unless extended or renewed by the Prince George's Soil Conservation District.

(5) A site development plan submittal must include all concept plan information and indicate how proposed erosion and sediment control practices will be integrated with proposed stormwater management practices. The latter is being done through a narrative and an overlay plan showing both ESD and erosion and sediment control practices. An initial sequence of construction and proposed project phasing to achieve the grading unit restriction should be submitted at this time. Approved site development sediment control plans remain valid for three (3) years from the date of approval unless extended or renewed by the Prince George's Soil Conservation District.

(6) An applicant shall submit a final erosion and sediment control plan to the Prince George's 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 Section 32-153.

(7) A final erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Prince George's Soil Conservation District on the plan.

(8) Final erosion and sediment control plans remain valid for two (2) years from the date of approval unless extended or renewed by the Prince George's Soil Conservation District.

(9) Grandfathering of Approved Plans:

(A) Any plans that receive final approval after January 9, 2013 must be in compliance with the erosion and sediment control requirements of this Ordinance and the Standards and Specifications.

(B) 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.

(C) Stabilization practices on all sites must be in compliance with the erosion and sediment control requirements of this Ordinance and the Standards and Specifications by January 9, 2013, regardless of when an approved erosion and sediment control plan was approved.

(d) The erosion and sediment control plan must be designed in concert with a site's stormwater management plan as required by the Stormwater Management Act of 2007 (Act). The Act requires an integrated review of erosion and sediment control plans and stormwater management plans via a comprehensive plan review process to ensure that environmental site design (ESD) is implemented to the maximum extent practicable (MEP) on all sites.

(e) Standard Erosion and Sediment Control Plan

(1) The Prince George's Soil Conservation District may adopt a standard erosion and sediment control plan for activities with minor earth disturbances, such as single-family residences, small commercial and other similar building sites, minor maintenance grading, and minor utility construction.

(2) A standard erosion and sediment control plan must meet the requirements of this Ordinance and the Standards and Specifications.

(3) MDE shall review and approve a standard plan prior to its adoption.

DIVISION 3. STORMWATER MANAGEMENT.

SUBDIVISION 1. GENERAL PROVISIONS.

Sec. 32-170. Short Title; Purpose.

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(f) The following referenced documents are necessary to provide appropriate technical guidance for the planning, design, construction, inspection and enforcement of the provisions of this Division. These documents are revised periodically and it is incumbent upon property owners, planners, designers and applicants to use the most current approved versions available. For purposes of this Division, the following documents are hereby adopted and incorporated by reference:

(1) The 2000 Maryland Stormwater Management Design Manual, Volumes I and II Maryland Department of the Environment (April 2000), as amended; and

(2) The current edition of the 2014 Prince George's County Stormwater Management Design Manual or any subsequent revisions; and

[(2)](3) The USDA Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000), as amended.

[(3)](4) Adopted Comprehensive Watershed Management Plans:

(A) CR-61-1986 – Piscataway Creek

(B) CR-62-1986 – Henson Creek

Sec. 32-171. Definitions.

(a) For purposes of this Division, the following terms, phrases and words, and their derivations shall have the meaning given herein:

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(5) **Alternative Practice.** An environmental site design practice or technique or structural stormwater management measure that is not found in the Maryland Design Manual and is proposed during concept plan approval. Alternative practices shall be designed to meet the criteria in the Maryland Design Manual, meet the minimum requirements specified in Section 32-178 of this Division and be approved by the Administration.

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(11) **Channel Protection Storage Volume (Cpv)**. The volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the [2000] Maryland [Stormwater Management] Design Manual and the Prince George's County Design Manual.

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(27) **Environmental Site Design (ESD)**. Using small scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. (Methods for designing ESD practices are specified in the Maryland Design Manual and the Prince George's County Design Manual).

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(29) **Extended Detention**. A stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. (Methods for designing extended detention BMPs are specified in the Maryland Design Manual and the Prince George's County Design Manual).

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(45) **Overbank Flood Protection Volume (Qp).** The volume controlled by structural practices to prevent an increase in the frequency of out-of-bank flooding generated by development. (Methods for calculating the overbank flood protection volume are specified in the Maryland Design Manual and the Prince George's County Design Manual).

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(49) **Pollutant**. Sediment runoff due to erosion.

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(54) **Prince George's County Design Manual.** The 2014 Prince George's County Stormwater Management Design Manual or any subsequent revisions that complements the Maryland Design Manual.

[(54)] (55) **Recharge Volume (Rev).** That portion of the water quality volume used to maintain groundwater recharge rates at development sites. (Methods for calculating the recharge volume are specified in the Maryland Design Manual and the Prince George's County Design Manual).

[(55)] (56) **Redevelopment.** Any construction, alteration or improvement performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential and existing site impervious area within the limit of disturbance exceeds 40 percent.

[(56)] (57) **Retention Structure**. A permanent structure that provides for the storage of runoff and is designed to maintain a permanent pool of water.

[(57)] (58) **Retrofitting.** The implementation of ESD practices, the construction of structural BMP, or the modification of an existing structural BMP in a previously developed area to improve water quality over current conditions.

[(58)] (59) **Sediment**. Soils or other surficial materials transported or deposited by the action of wind, water, snow, ice or gravity as a product of erosion.

[(59)] (60) **Site**. For new development, any tract, lot, or parcel of land or combination of tracts, lots, parcels of land that are in one ownership or are contiguous and in diverse ownership, where development is to be performed as a part of a unit, subdivision or project.

[(60)] (61) **Site Development Plan.** The second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project.

[(61)] (62) **Stabilization**. The prevention of soil movement by any of various vegetative and/or structural means.

[(62)] (63) **Stormwater**. Water that originates from a precipitation event.

[(63)] (64) **Stormwater Management (SWM)**. Using ESD for the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to prevent accelerated channel erosion, increased flood damage and/or degradation of water quality.

[(64)] (65) **Stormwater Management Design Plan**. The set of drawings and other documents that comprise all of the information and specifications for the systems, structures, concepts, and techniques that will be used to control stormwater as required by the approved concept plan and the Maryland Design Manual and the Prince George's County Design Manual.

[(65)] (66) **Stormwater Management System.** Natural areas, ESD practices, stormwater management measures, and any other structures through which stormwater flows, infiltrates or discharges from a site.

[(66)] (67) **Stormwater Variance**. The modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this Division.

[(67)] (68) **Stream Restoration.** Restoration and reconstruction of existing waterways to maintain the ecological features of the stream, to mitigate stream bed incision and stream wall erosion, to preserve the capacity and to enhance the water quality of the stream. Stream restoration shall address the following including, but not limited to, intervention and installation of measures to repair damages to the stream corridors, hydrology, hydraulics, sediment transport, geomorphology, aquatic ecology, fisheries and riparian ecology.

[(68)] (69) **Stripping**. Any activity that removes the vegetation surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

[(69)] (70) **Subdivision**. The division of a lot, tract or parcel of land into two or more lots, plots, sites, parcels or other divisions by plat or deed.

[(70)] (71) **Watercourse**. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

[(71)] (72) **Water Quality Volume (WQv)**. The volume needed to capture and treat 90 percent of the average annual rainfall at a development site. (Methods for calculating the water quality volume are specified in the Maryland Design Manual and the Prince George's County Design Manual.)

[(72)] (73) **Watershed**. The total drainage area contributing runoff to a single point.

Sec. 32-172. Watershed Management Planning.

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(e) A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

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(7) Be consistent with the General Performance Standards for Stormwater Management in Maryland as found in the Maryland Design Manual and the Prince George's County Design Manual; and

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Sec. 32-175. Redevelopment.

(a) Stormwater management plans are required by the Department for all redevelopment, unless otherwise specified by watershed management plans developed according to this Division.

Stormwater management measures must be consistent with the Maryland Design Manual and the Prince George's County Design Manual).

(b) All redevelopment designs shall:

(1) Reduce impervious area within the limit of disturbance (LOD) by at least 50 percent according to the Maryland Design Manual and the Prince George's County Design Manual;

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(c) All redevelopment designs approved after May 4, 2016, shall:

(1) Reduce impervious area within the LOD by 75 percent in accordance with the Maryland Design Manual and the Prince George's County Design Manual;

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(d) All redevelopment designs approved after May 4, 2019, shall:

(1) Reduce impervious area within the LOD by 100 percent in accordance with the Maryland Design Manual and the Prince George's County Design Manual;

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(g) All redevelopment projects shall reduce existing site stormwater runoff volume by implementing distributed ESD to the MEP. Where conditions prevent the implementation of ESD techniques to reduce runoff, the Maryland [Stormwater] Design Manual and the Prince George's County Design Manual criteria shall be implemented.

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(k) Stormwater management shall be addressed for the portion of the site within the limit of disturbance according to the new development requirements in the Maryland Design Manual and the Prince George's County Design Manual for any net increase in impervious area.

(l) If the Department determines that existing flooding and/or erosion exist downstream of the proposed development, the Department:

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(3) has authority to require the applicant to attenuate the 100-year frequency storm event for downstream flooding in accordance with the Maryland Design Manual and the Prince George's County Design Manual.

SUBDIVISION 2. STORMWATER MANAGEMENT DESIGN PLANS.

Sec. 32-178. Minimum Stormwater Control Requirements.

(a) The minimum control requirements established in this Section and the Maryland Design Manual and the Prince George's County Design Manual are as follows:

(1) Planning techniques, nonstructural practices, and design methods specified in the Maryland Design Manual and the Prince George's County Design Manual shall be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management design plans for development projects subject to this Division shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Maryland Design Manual and the Prince George's County Design Manual. The MEP standard is met when channel stability is maintained, 100% predevelopment groundwater recharge is replicated, non-point source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

(2) Attenuation of the 2-year, 10-year frequency storm event for downstream erosion exist and/or attenuation of the 100-year frequency storm event for downstream flooding exist are required according to the Maryland Design Manual and the Prince George's County Design Manual and all subsequent revisions when the Department determines that additional stormwater management is necessary because the receiving channel and/or conveyance system are determined inadequate.

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Sec. 32-179. Stormwater Management Measures.

The ESD planning techniques, practices and structural stormwater management measures in this Division and the Maryland Design Manual and the Prince George's County Design Manual shall be used either alone or in combination in a stormwater management design plan. An applicant shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing the stormwater management design plan.

(a) ESD Planning Techniques and Practices.

(1) The following planning techniques shall be applied to MEP according to the Maryland Design Manual and the Prince George's County Design Manual to satisfy the applicable minimum control requirements established in 32-178 of this Division:

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(2) The following ESD treatment practices shall be designed to MEP according to the

Maryland Design Manual and the Prince George's County Design Manual to satisfy the applicable minimum control requirements established in 32-178 of this Division:

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(3) The use of ESD planning techniques and treatment practices specified in this Section shall not conflict with existing state law or local ordinances, regulations, or policies. The County shall modify planning and zoning ordinances and public works codes to eliminate any impediments to implementing ESD to the MEP according to the Maryland Design Manual and the Prince George's County Design Manual.

(b) Structural Stormwater Management Measures.

(1) The following structural stormwater management practices shall be designed according to the Maryland Design Manual and the Prince George's County Design Manual to satisfy the applicable minimum control requirements established in 32-178 of this Division:

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(2) The performance criteria specified in the Maryland Design Manual and the Prince George's County Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.

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(d) Alternative ESD planning techniques, treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the Maryland Design Manual and the Prince George's County Design Manual and all subsequent revisions and are approved by the Administration. Practices used for redevelopment projects shall be approved by the Department.

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Sec. 32-180. Specific Design Criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department and the Administration, shall be in accordance with the Maryland Design Manual and the Prince George's County Design Manual.

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Sec. 32-182. Stormwater Management Design Plans, Submission Requirements.

(a) Concept Plan.

The owner/applicant shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to 32-179 of this Division and the Maryland Design Manual and the Prince George's County Design Manual. Plans submitted for concept approval shall include, but are not limited to:

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(d) Reports submitted for an approval of final stormwater management plans shall include, but are not limited to:

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(3) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Maryland Design Manual and the Prince George's County Design Manual for all points of discharge from the site;

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(e) Construction drawings submitted for final stormwater management plan approval shall include, but are not limited to:

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(11) A table showing the ESD and unified sizing criteria volumes required in the Maryland Design Manual and the Prince George's County Design Manual;

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SUBDIVISION 3. INSPECTION, MAINTENANCE AND ENFORCEMENT.

Sec. 32-190. Inspection Schedule and Reports.

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(b) Regular inspections shall be made and documented for each BMP and each ESD planning technique and practice at the stages of construction specified in the Maryland Design Manual and the Prince George's County Design Manual by the County, its authorized representatives, or certified by a professional engineer licensed in the State of Maryland. At a minimum, all ESD and other structural and nonstructural practices shall be inspected upon completion of final grading, the establishment of stabilization, and before issuance of a use and occupancy permit approval.

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Sec. 32-191. Inspection Requirements During Construction.

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(b) The Department may, for enforcement purposes, use any one or a combination of the following actions:

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(4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of this Code, the Maryland Design Manual, the Prince George's County Design Manual, or this Division.

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(d) Once construction is complete, "as-built" plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the State of Maryland to ensure that ESD planning techniques, treatment practices, and structural and non structural stormwater management measures and conveyance systems comply with the specifications contained in the approved plans. At a minimum, "as-built" certification shall include a set of drawings comparing the approved final stormwater management plan with what was constructed. The Department may require additional information.

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SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 23rd day of June, 2015.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

_____
Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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