

<b>1000 Friends of Maryland</b>	<b>Greater Towson Council of Community Associations</b>
<b>Aero Acres Civic Improvement Association</b>	<b>Gunpowder RIVERKEEPER</b>
<b>Back River Restoration Committee</b>	<b>Gunpowder Valley Conservancy</b>
<b>Baltimore HarborKeeper</b>	<b>Halethorpe Civic League</b>
<b>Berkshire Community Association</b>	<b>Heathcote Community</b>
<b>Bird River Beach Community Association</b>	<b>Knollbrook Community Assembly, Inc.</b>
<b>Bird River Restoration Campaign</b>	<b>Marine Trades Association of Baltimore County (MTABC)</b>
<b>Blue Water Baltimore</b>	<b>Maryland Bass Nation</b>
<b>Bowerman-Loreley Beach Community Association</b>	<b>Maryland Chapter Trout Unlimited</b>
<b>Bowleys Quarters Community Association</b>	<b>Maryland Conservation Council</b>
<b>Carney Improvement Association</b>	<b>Mid-Atlantic Council Trout Unlimited</b>
<b>Chatterleigh Association</b>	<b>Middlesex Community Association</b>
<b>Chesapeake Education, Arts and Research Society (CHEARS)</b>	<b>North County Community Group</b>
<b>Chesapeake Bay Foundation</b>	<b>North County Preservation</b>
<b>Clean Bread and Cheese Creek</b>	<b>Oakwood Village Community Association Inc.</b>
<b>Combined Communities Advocacy Council of Greater Randallstown, Inc.(CCACGR)</b>	<b>Pahl's Crossing Homeowners Association</b>
<b>Dulaney Towers Maintenance Corporation</b>	<b>Prettyboy Watershed Alliance</b>
<b>Dulaney Valley Improvement Association, Inc.</b>	<b>Ridgely Condominium Association</b>
<b>Earthome, Inc</b>	<b>Rockaway Beach/Turkey Point Improvement Association Inc.</b>
<b>Eastfield-Stanbrook Civic Association</b>	<b>SouthEast Communities Against Pollution (SECAP)</b>
<b>Eastwood Residents &amp; Business Community Association of Baltimore County</b>	<b>Sparks-Glencoe Community Planning Council</b>
<b>Essex-Middle River Civic Council, Inc.</b>	<b>Stevenswood Improvement Association, Inc.</b>
<b>Falls Road Community Association</b>	<b>Towson Estates Association</b>
<b>Fort Howard Community Association, Inc.</b>	<b>Towson Manor Village Community Association</b>
<b>Freeland Community Association</b>	<b>Tradewinds Marina</b>
<b>Freeland Legacy Alliance, Inc.</b>	<b>The Valleys Planning Council</b>
<b>Gaywood Community Association</b>	<b>Weaver's Marine Service</b>
<b>The Greater Greenspring Association, Inc.</b>	<b>Wells McComas Citizens Improvement Association</b>
<b>Greater Parkville Community Council</b>	<b>Westgate Community Association</b>
<b>Greater Timonium Community Council</b>	<b>West Towson Neighborhood Association</b>

March 11, 2016

County Executive Kevin Kamenetz  
 Council Chair Vicki Almond  
 Councilwoman Cathy Bevins  
 Councilman Todd K. Crandell

Councilman Julian E. Jones, Jr.  
 Councilman Wade Kach  
 Councilman David Marks  
 Councilman Tom Quirk

Dear County Executive Kamenetz, Councilmembers Almond, Bevins, Crandell, Jones, Kach, Marks & Quirk:

Recently the County has improved with regard to minimizing soil erosion and mud pollution from construction activity. However, the County still has a long way to go to fully protect our waters from this pollution source. It is for this reason that we, the undersigned organization leaders, urge you to build upon your past success in reducing construction site mud pollution by

following the lead of other Maryland counties which have been more successful in resolving this threat to our quality of life.

**Baltimore County Erosion Control Improved Considerably, But Still A Long Way To Go**  
Beginning in June, 2014 a coalition of 17 local, statewide and national organizations assessed the quality of erosion control on more than a hundred construction sites in Baltimore City and the five surrounding jurisdictions, including Baltimore County. This [Greater Baltimore Survey](#) was repeated in June 2015.<sup>1</sup>

The 2014-2015 surveys showed a 77% improvement in erosion control on sites located in Baltimore County. While the County deserves recognition for this accomplishment, the actual compliance level is far from acceptable. The portion of sites fully complying with erosion and other mud pollution control laws went from 18% in 2014 to just 32% based on the survey conducted last June. Because we are only achieving a 32% compliance rate, vast quantities of eroded soil are washing from the 200+ construction sites spread throughout our County.

This mud pollution degrades the quality of neighborhood streams, our tidal waters, water-supply reservoirs and other aquatic resources. Of greatest concern is that the waters nearest 90% of all Baltimore County households are polluted by this and other development-related impacts. Because these waters are within a short walk of most homes, many of our children are exposed to unsafe conditions. This extensive pollution also denies most County residents the joys these waters could provide if they were healthier and had an abundance of fish and other aquatic life. As explained in our full 2015 Greater Baltimore Survey report<sup>2</sup>, for every dollar spent keeping mud on construction sites we tax-payers save at least \$100 in damages avoided.

### **Better Erosion Control Required By State & County Laws**

The laws we refer to are the Maryland Erosion and Sediment Control regulations (COMAR 26.17.01.00) and Article 33, Title 5, of the Baltimore County Code. These laws plus the *2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control*<sup>3</sup> require that once initial construction site grading and filling is completed soil erosion must be minimized by:

- Placing four inches of stone on all driveway, road and parking lot beds;
- Areas adjacent to building foundations must be covered with sufficient straw mulch that underlying soil cannot be seen; and
- Other areas of the site not subject to foot or vehicle traffic must be managed to achieve a minimum 95% cover with grass.

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<sup>1</sup> For further information on the Greater Baltimore Survey visit: [ceds.org/gbs](http://ceds.org/gbs)

<sup>2</sup> The report can be downloaded from: [ceds.org/gbs](http://ceds.org/gbs)

<sup>3</sup> See: <http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/SoilErosionandSedimentControl/Documents/2011%20MD%20Standard%20and%20Specifications%20for%20Soil%20Erosion%20and%20Sediment%20Control.pdf>

All of these *temporary stabilization* measures to minimize soil erosion must be maintained until site development is completed.

Collectively, these temporary stabilization measures will reduce soil erosion and offsite mud pollution by 90% to 99%. The other measures commonly seen on construction sites, like the black silt fence and ponds along the perimeter, do not prevent erosion but merely trap soil once it's been eroded. Various scientific studies cited in the Greater Baltimore Survey report show that until construction site erosion has been reduced by 90% or better, nearby waters will continue to be polluted. This goal can **only** be achieved by blanketing exposed soil with stone, mulch, grass and other temporary stabilization measures. As long as exposed soil remains on a construction site, pollution of nearby waters is likely come the next major storm.

The six Greater Baltimore jurisdictions achieved an overall 61% improvement in erosion control from June 2014 to June 2015. This success reduced the amount of mud pollution from the 450+ construction sites active in the Greater Baltimore area by 4,270 tons per year! While this reduction is impressive, it is not sufficient to achieve the goals set forth in the [County's Small Watershed Action Plans](#)<sup>4</sup> and to meet the requirements of the 14 sediment [Total Maximum Daily Load](#) documents<sup>5</sup> applicable to our waters. But the most important reason for improving erosion control compliance by building upon the County's past success is to make our neighborhood waters safer for our children.

### **Adopt Anne Arundel County Rough Grade-Stabilization Regulation**

The 2014-2015 Greater Baltimore Survey showed that Anne Arundel County exhibited the most dramatic construction site erosion control improvement of all six jurisdictions. We believe a key to Anne Arundel County's success was a regulation in their erosion and sediment control law which Baltimore County lacks. The Anne Arundel County regulation reads:

***§ 16-3-204. Erosion and sediment control plan.***

*An erosion and sediment control plan shall contain all information required by COMAR 26.17.01.07. In addition, an erosion and sediment control plan shall contain all information required by the Department. The information required by the Department ordinarily shall include:*

- (15) *a statement in the construction sequence that the construction of the first floor walls of any building or structure may not proceed until the foundation has been backfilled, **the disturbed areas have been stabilized** and a certificate is provided to the inspector verifying the grades and drainage patterns shown on the approved erosion and sediment control plan have been obtained. [Emphasis added]*

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<sup>4</sup> See: <http://www.baltimorecountymd.gov/Agencies/environment/watersheds/swap.html>

<sup>5</sup> See: <http://ceds.org/bcp/BaltoCoSedimentTMDLs.pdf>

Anne Arundel County Enforcement Chief John Peacock (410-222-7763) says that this regulation and the requirement it places in each erosion and sediment control plan, alerts contractors to the fact that once rough grade has been reached and building foundations are in place, construction activity must halt until a County inspector verifies that all exposed soil has been protected from erosion with straw mulch, grass, stone or other temporary stabilization measures. Because of the proven effectiveness of this regulation, we ask that it be amended into the Baltimore County Code. We would deeply appreciate an opportunity to meet with you to answer any questions you may have and to discuss this request further. Richard Klein will be in touch shortly to explore meeting dates. In the meantime he can be reached at 410-654-3021 or Rklein@ceds.org.

Sincerely,

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