

EFFECTIVE APRIL 22, 2005

REGULATIONS

Title 1. Department of Environmental Protection and Resource Management

Subtitle 04 Excavating, Grading, Sediment Control, and Forest Management

Chapter 01 Inspection and Enforcement

Authority: Environmental Article §§4-103, Annotated Code of Maryland, COMAR Title 26.17.0 and Baltimore County Code §§33-5-101 through §§33-5-202.

.01 Scope.

The regulations in this chapter apply to all grading occurring within the County.

.02 Grading Permits.

A grading permit is required for:

- A. Any land disturbance unless exempt in §§33-5-104 or 33-5-201 of the Baltimore County Code;
- B. Grading activities that disturb greater than 5,000 square feet or more than 100 cubic yards of fill material; and
- C. Grading activities that include any watercourses, floodplains, wetland areas, buffers, habitat protection areas, or forest buffers.

.03 Temporary Stockpile Permits.

A. Temporary stockpile permits may be issued, subject to the following conditions:

- (1) The description of work on the permit application shall include “temporary stockpile” in its language;
- (2) The permit shall be issued for a period not to exceed one (1) year;
- (3) No extensions beyond the expiration date will be approved; and
- (4) Prior to expiration, the area shall be returned to original grade and permanently stabilized.

B. The temporary stockpile permit applications shall include the following:

- (1) Sediment and Erosion Control Standard Plan for disturbed areas less than 20,000 square feet and 1,000 cubic yards of fill material;
- (2) Location of proposed stockpile;
- (3) Calculation of disturbed area (square feet);
- (4) Proposed sediment control measures;
- (5) Construction access; and
- (6) Sediment Control Plan approved by the Department and District for disturbed area of 20,000 square feet and greater, or more than 1,000 cubic yards.

.04 Roads Only Development.

A. “Roads Only Development” means a residential development for which a grading permit is approved for road and storm drain construction only and for which lot grading will be performed under an individual building or grading permit.

B. A Roads Only Development shall meet the following requirements:

- (1) Proposed houses are not served by metropolitan water or sewer; and
- (2) Individual lot building or grading permit will not be approved until all conditions of the Roads Only Erosion and Sediment Control Plan and the Roads Only Grading Plan is satisfied.

.05 Sediment and Erosion Control Standard Plan.

A. The Sediment and Erosion Control Standard Plan is a condition of building permit that may be utilized in accordance with its specific items for:

EFFECTIVE APRIL 22, 2005

- (1) A commercial, industrial, institutional, or governmental development which disturbs an area not to exceed 20,000 square feet or 1,000 cubic yards of fill material; or
 - (2) An individual lot for a single-family residential development which disturbs an area not to exceed 30,000 square feet or 1,000 cubic yards of fill material.
 - B. The Department may require installation of sediment control measures required by the Standard Plan prior to building permit approval.
- .06 Impact on Adjacent Properties.
The Department may require a grading plan for any residential, commercial, industrial, institutional, or governmental development which disturbs an area of 5,000 square feet or greater if an inspection indicates field conditions that warrant that a grading plan is necessary to properly develop the lot.
- .07 Retaining Walls
Prior to permit approval, retaining wall within ten (10) feet of a property line is subject to site inspection and review by the Department.
- .08 Responsibility for Grading Violations.
Grading violations on individual, residential lots shall be the responsibility of the permittee for one (1) year after use and occupancy approval, provided the occupant/owner has not made grading or landscape changes causing such violation.
- .09 Pre-Construction Meetings.
- A. At the time of the issuance of a grading permit and prior to commencement of any construction, a pre-construction meeting shall be conducted in accordance with the sequence of operation specified on the approved Erosion and Sediment Control Plan.
 - B. The required attendees at the pre-construction meeting shall be:
 - (1) The department inspectors;
 - (2) The developer;
 - (3) The developer's sediment and erosion control representative (certified responsible personnel); and
 - (4) The developer's engineer, if stormwater management is required.
- .10 Approval of Permits.
The Department may withhold approval of permits pending installation of required sediment control measures.
- .11 Enforcement.
The following enforcement measures may be imposed by the Department for violations of Article 33, Title 5 of the Baltimore County Code, prior to penalties specified in Section §§33-5-302 of the Code:
- A. Correction Notice: describing nature of violation(s) and specified time of correction without halting work on site;
 - B. Stop Work Order: describing nature of violation(s) directs all work on site to cease until violation(s) is corrected and approved by the Department within specified time; or
 - C. Illegal Continuance: describing nature of violation(s) on site of an issued Stop Work Order and work on site has not ceased.
- .12 Grading Securities.
The Department may withhold release of grading securities if stormwater management facilities are not completed and approved by the Department.
- .13 Use and Occupancy Approval and Final Grading.
- A. All property improved with commercial buildings will be inspected for compliance with requirements of Baltimore County Code and/or grading plan.

EFFECTIVE APRIL 22, 2005

- B. All property improved with residential buildings, shall certify on a form approved by the Department, of the completion in accordance with Baltimore County Code and/or grading plan. Certification must be submitted to the Office of Building Inspection.
- C. All property improved with residential buildings within the Chesapeake Bay Critical Area, will be inspected for requirements as determined by Critical Area Law and Regulations.