

May 10, 2017

MEMORANDUM

To: Consultants, Developers and Owners

From: Steven E. Darcey, CPESC
Executive Director

Re: Update to District Policies Pursuant to Recent COMAR 26.17.01 Changes

The Maryland Department of the Environment (MDE) recently implemented three changes to the Code of Maryland Regulations (COMAR) Title 26 Department Of The Environment, Subtitle 17 Water Management, Chapter 01 Erosion and Sediment Control (COMAR 26.17.01); two of these directly impact the review and approval of erosion and sediment control applications and are addressed herein. These changes became effective on May 8, 2017. Below is a summary of those changes and the corresponding revisions to existing operational policies of the Prince George's Soil Conservation District (District or PGSCD):

I. COMAR 26.17.01.01 Definitions.

B. (13) "Grading unit" means the maximum contiguous area allowed to be graded at a given time. [For the purposes of this chapter, a grading unit is 20 acres or less.]

With the removal of the numerical twenty (20) Ac. limit in the definition of a "Grading Unit" by MDE, the District will itself not impose a statutory acreage limit in its implementation of a "Grading Unit" on submitted documents or applications. The District may however impose such a numerical limit for grading on a case-by-case basis in the execution of its mandate. Any such restrictions shall be communicated to the developer and consulting team(s) as early in the development process as possible and as applicable. This regulatory change shall apply to the following submissions:

- All new erosion and sediment control documents submitted on or after May 8, 2017.

- All new submissions currently under review that will be approved on or after May 8, 2017.

Note that projects previously approved under the 20 acre grading unit requirement may be resubmitted for a revision to take advantage of this regulatory change. All appropriate fees shall apply.

II. COMAR 26.17.01.08 Approval or Denial of Erosion and Sediment Control Plans.

F. (1) Approved erosion and sediment control plans remain valid for [2] 3 years from the date of approval, except surface mines and landfill plans, which remain valid for 5 years from the date of approval.

MDE's revision of the validity period of approved erosions and sediment control project documents, including plans, from two (2) to three (3) years shall apply thus:

- All new erosion and sediment control documents submitted for review and approval on or after May 8, 2017 shall be granted a three (3) year approval period.
- All new submissions currently under review that will be approved on or after May 8, 2017 shall be granted a three (3) year approval period.
- All expired project documents submitted for an update approval will receive a three (3) year approval.

Note that previously approved projects with a two (2) year validity will continue to be granted two (2) year extensions.

If you have any questions or need additional information, contact Mr. John Tarr, P.E., District Engineer and Urban Program Manager or Ms. Brenda Sanford, Senior Staff Engineer.

Cc: John Tarr, P.E., District Engineer / Program Manager, PGSCD
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