

**Chapter 38**  
**EROSION AND SEDIMENT CONTROL**

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**[HISTORY: Adopted by the Board of County Commissioners of Calvert County 2-26-1971; revised 12-S-1992. Amendments noted where applicable.]**

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**§ 38-1. Purpose and authority.**

- A. The purpose of this chapter is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with accelerated soil erosion and resultant sedimentation. Minimizing soil erosion and off-site sedimentation will minimize damage to public and private property, and assist in the attainment and maintenance of water quality standards.
- B. The provisions of this chapter are adopted by the Board of County Commissioners of Calvert County pursuant to the authority of Title 4, Subtitle 1 (“Sediment Control”) of the Environment Article and Article 25, § 10K of the Annotated Code of Maryland and shall apply to all grading occurring within the area of Calvert County. The application of this chapter 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 or county statute. The Department of Public Works, through its Project Management and Inspections Division shall be responsible for coordination and enforcement of the provisions of this chapter.

**§ 38-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**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. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AGRICULTURAL LAND** — Land which is assessed agricultural at time of grading permit application.

**AGRICULTURAL LAND MANAGEMENT PRACTICES** — Those approved 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 timber removal operations may not be considered a part of this definition.

**APPLICANT** — Any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

**AREAS ON WHICH ACTUAL CONSTRUCTION ACTIVITIES ARE CURRENTLY BEING PERFORMED** — That area which is prone to repeated disturbance due to construction operations and traffic from construction vehicles and/or personnel. This area shall not be necessarily construed as being the entire site, lot, or parcel and shall not include the disturbed area associated with water well installation and/or septic handling facilities.

**CLEAR** — Any activity which removes the vegetative ground cover.

**DEPARTMENT** — The Maryland Department of the Environment, Sediment and Storm Water Administration.

**DEVELOPER** — Any person undertaking or causing to be undertaken any or all the activities covered by this chapter. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

**DISTRICT** — The Calvert Soil Conservation District.

**DIVISION** — The Calvert County Department of Public Works, Project Management and Inspections Division.

**DRAINAGE AREA** — That area contributing runoff to a single point, measured in a horizontal plane, which is enclosed by a ridge line.

**EROSION** — The process by which the land surface is worn away by the action of wind, water, ice or gravity.

**EROSION AND SEDIMENT CONTROL** — A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

**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 District and this chapter, and designed in accordance with the Standards and Specifications.

**EXEMPTION** — Those land development activities that are not subject to the erosion and sediment control requirements contained in this chapter,

**GRADE** — To cause disturbance of the earth. This shall include but not be limited to any excavating, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance, or any combination.

**GROUND COVER** — Any of various low growing plants grown especially in areas where it is difficult to grow grass.

**INSPECTOR** — The representative of Calvert County who checks work performed by someone else for the purpose of passing judgment on the quality or quantity of what has been accomplished.

**MAINTENANCE** — The perpetual care of a properly installed sediment and erosion control plan for the period covered by the grading permit.

**PERMITTEE** — Any person to whom a grading permit has been issued.

**PERSON** — Includes the federal government, the state, the 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.

**RESPONSIBLE PERSONNEL** — Any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances.

**SEDIMENT** — Soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity, or other artificial means.

**SITE** — Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which 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 involving the simultaneous clearing or grading of the combined tracts, lots or parcels.

**STABILIZATION** — The prevention of soil movement by any of various vegetative and/or structural means.

**STANDARDS AND SPECIFICATIONS** — The 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control or any subsequent revisions. **[Amended 5-28-2002 by Ord. No. 21-02]**

**VARIANCE** — Modification of the criteria set forth in the Standards and Specifications.

**WATERCOURSE** — Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

**WATERSHED** — An area comprised of two or more drainage areas which contribute runoff to a single point.

**WETLANDS** — Any area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding which meets the criteria as set forth in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent revision or amendment.

### **§ 38-3. Applicability.**

- A. Scope. No person shall clear or grade land without first obtaining a grading permit and implementing soil erosion and sediment controls in accordance with an approved plan

which meets the requirements of this chapter unless the clearing and grading receives an approved exemption as provided under Subsection B. In addition to these requirements any clearing or grading within the critical area shall conform to the regulations set forth in § 155-3-3A(4) and 155-4-8G of Chapter 155, Zoning, of the Code of Calvert County. A separate application for permit or exemption shall be required for separate sites.

B. Exemptions.

- (1) The following activities shall be exempt from the permitting requirements of this chapter if the exemption is approved by the District:
  - (a) Agricultural land management practices approved by the District and construction of agricultural structures.
  - (b) Clearing or grading activities excluding the construction of single family dwellings that disturb less than 5000 square feet of land area and disturb less than 100 cubic yards of earth, cut or fill, except for clearing and grading within the critical area buffer as defined in § 155-4-4J of Chapter 155, Zoning, of the Code of Calvert County.
  - (c) Clearing and grading activities that are subject exclusively to state approval and enforcement under state law and regulations.
  - (d) Overlay of existing paved road and/or parking surfaces with new surface material where only minor preparation to the existing surface is required.
- (2) An application for exemption shall be made to the District. The application shall contain sufficient information to evaluate the site's characteristics and the impact any grading shall have on the surrounding area. The District and the Calvert County Department of Planning and Zoning shall review the application. The applicant shall be notified by the District of approval or reasons for disapproval within 15 working days. If approved, the Division shall issue a grading permit exemption for the activity. The grading permit exemption shall be posted on site in a conspicuous location.

C. Variances. The District may grant a written variance from the requirements of the Standards and Specifications if strict adherence to the specifications will not fulfill the intent of this chapter. The developer shall submit a written request for a variance to the District. The request shall state the specific variances sought and reasons for requesting the variance. The District shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the developer.

**§ 38-4. Erosion and sediment control plans.**

A. Review and approval of erosion and sediment control plans.

- (1) Unless exempted under § 38-3B of this chapter, a person may not clear or grade land without first having an erosion and sediment control plan approved by the District and a grading permit.
- (2) Submission of plan.
  - (a) Except as provided in Subsection A(2)(b), an applicant for a grading permit shall submit with the application a proposed erosion and sediment control plan and any supporting computations for review and approval by the District. The plan shall:
    - [1] Be prepared, signed and sealed by a professional engineer, land surveyor, or landscape architect, licensed in said capacity by the State of Maryland.
    - [2] Meet the requirements set forth in the District's Policy and **Guidelines**.<sup>2</sup>
    - [3] Contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be minimized.
  - (b) A proposed plan may be exempted from the requirements of Subsection A(2)(a)[ 1] of this subsection by the District if the District:
    - [1] Conducts a site visit, and on a case-by-case basis, determines that the proposed site work will not have a significant detrimental impact on the water quality or habitat within the wetlands, open water, buffer areas, conservation areas, and areas of known endangered or threatened species; or
    - [2] Determines that the size of the area proposed to be graded and the volume of any material to be removed or added by proposed cuts and fills falls below the minimum levels for which a plan is necessary, as set forth in the rules and regulations duly promulgated by the District.
  - (c) Upon receipt of an application for a grading permit, the District shall review the proposed Erosion and Sediment Control plan to determine compliance with this chapter and Standards and Specifications prior to approval.
  - (d) Once the plan is approved, it shall serve as a basis for all subsequent grading and stabilization.
- (3) In approving the plan, the District may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter, the State Sediment Control Regulations COMAR 26.09.01, the Standards and Specifications, or the preservation of public health and safety.
- (4) The District shall notify the applicant of approval or reasons for the disapproval or modification within 10 working days after submission of the completed erosion and sediment control plan. If a decision is not made within 10 working days, the District shall inform the applicant of the status of the review process and the anticipated completion date. The erosion and sediment control plan shall not be considered

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<sup>2</sup> Editor's Note: the District's Policy and Guidelines are on file at the Calvert County Soil Conservation District.

approved without the inclusion of the signature and date of signature of the District on the plan.

- (5) Approved plans may remain valid for two years from the date of approval. Plans may be renewed by the District and shall be subject to the ordinances, laws and regulations which are applicable at time of renewal.
- (6) In the event that state erosion and sediment control laws or regulations are amended, the District may request that all approved erosion and sediment control plans be resubmitted for review by the District to ensure compliance with all applicable state laws and county ordinances.

B. Contents of the erosion and sediment control plan.

- (1) The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the District, this chapter, the State Sediment Control Regulations COMAR 26.09.01, and the Standards and Specifications. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impact of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan.
- (2) Applicants shall submit the following information:
  - (a) An application for grading permit.
  - (b) A vicinity sketch indicating North arrow, scale, and other information necessary to easily locate the property.
  - (c) A plan at an appropriate scale indicating at least:
    - [1] Name, address and telephone number of:
      - [a] The owner of the property where the grading is proposed.
      - [b] The developer.
      - [c] The applicant.
    - [2] The existing and proposed topography within the limits of work:
      - [a] In two-foot contour interval (or less).
      - [b] Slopes of 25% or greater noted.
      - [c] Unstable soils indicated.
      - [d] Locations of floodplain.
    - [3] The proposed grading and earth disturbance within the limits of work, including:
      - [a] Surface area involved.

- [b] Limits of grading, including limitation of mass clearing and grading.
- [4] Storm drainage provisions, including:
- [a] Velocities and quantities of flow at outfalls.
  - [b] Site conditions around points of all surface water discharge from the site.
- [5] Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including:
- [a] Provisions to preserve topsoil and limit disturbance.
  - [b] Details of grading practices, including the statement that a slope of at least 2% shall be maintained to the property line or for 10 feet, whichever is less, away from the foundation of all proposed structures and appurtenances.
  - [c] Design details for structural controls.
  - [d] Details for temporary and permanent stabilization measures, including placement of the following statement on the plan. Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within:
    - [i] Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1).
    - [ii] Fourteen days as to all other disturbed or graded areas on the project site.
- The requirements of this subsection 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. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the Standards and Specifications.
- [6] Sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages of phases of earth disturbance and construction. The sequence of construction shall, as a minimum, include a schedule and time frame for the following activities:
- [a] Clearing and grubbing for those areas necessary for installation of perimeter controls.
  - [b] Construction of perimeter controls.

- [c] Remaining clearing and grubbing.
  - [d] Road grading.
  - [e] Grading for the remainder of the site.
  - [f] Utility installation and whether storm drains will be used or blocked after construction.
  - [g] Final grading, landscaping or stabilization.
  - [h] Removal of controls.
- [7] Statements placed on the plan indicating that the developer shall notify the Division of the start-up date of the project at least 48 hours in advance thereof and shall request at least 48 hours in advance of the anticipated site grading completion date that the Division approve work completed in accordance with the approved erosion and sediment control plan, the grading permit, and this chapter.
- [a] On all sites with disturbed areas or permit applications, approval of the Division shall be requested upon completion of installation of perimeter erosion and sediment controls. The installation of perimeter sediment and erosion control measures shall be in place prior to any additional earth disturbance or grading. These sediment and erosion control measures must be approved by the Division before building inspections are authorized or completed.
  - [b] Approval shall be requested upon final stabilization of all sites with disturbed areas before removal of controls. Final building inspection approvals may not be authorized until the final stabilization approval by the Division is made.
- [8] Certification by the owner or developer that any clearing, grading, construction, or development, or all of these, will only be done pursuant to this plan as approved and that responsible personnel involved in the construction project will obtain a Certificate of Training at a Department of the Environment approved training program for the control of sediment and erosion prior to commencement of the project.
- [9] Any additional information or data deemed appropriate by the District.

§ 38-5. Permits.

- A. Permit requirements. Once an erosion and sediment control plan has been approved pursuant to § 38-4, a grading permit must be issued for each site by the Division before any clearing and grading may proceed. The grading permit shall be posted on site in a conspicuous location.
- B. Permit expiration and renewal. The grading permit shall expire two years from the date of issuance unless extended or renewed by the Division. Application for permit renewal shall be made in writing at least two months prior to the permit expiration date. The duration of

the extension shall be determined by the Division Chief or the Chief's designee. In no case shall the term of the extension exceed one year. If deemed necessary by the Division, the erosion and sediment control plan shall be resubmitted to the District for review prior to extension or renewal.

- C. Permit fee. A permit fee schedule may be established by the Calvert County Board of County Commissioners for the administration and management of the erosion and sediment control program. The fee shall be due and payable prior to issuance of the grading permit. Capital improvement projects for the Board of County Commissioners, including but not limited to refuse disposal areas, sanitary landfills and public works projects shall be exempt from the permit fee.
- D. Permit suspension and revocation.
  - (1) The Division may suspend or revoke grading permit(s) after providing written notification to the permittee based on any of the following reasons:
    - (a) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit;
    - (b) Noncompliance with violation notice(s) or stop-work order(s) issued;
    - (c) Changes in site characteristics upon which plan approval and permit issuance was based; or
    - (d) Any violation(s) of this chapter or any rules and regulations adopted under it.
  - (2) An action to suspend or revoke a permit under this section does not preclude the Division from imposing other enforcement or punitive measures as provided by law.
- E. Permit conditions. In issuing the grading permit, the Division may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter or the preservation of the public health and safety.
- F. Continuous maintenance of work performed. The owner of any property on which grading or other work has been made pursuant to a permit granted under the provision of this chapter shall continuously maintain and repair all graded surfaces and erosion control facilities, retaining walls, drainage structures or means and other protective devices, plantings, and ground cover; installed or completed.

**§ 38-6. Security for performance.**

- A. Performance security. In cases where a grading permit is issued without one or more accompanying building permits for the site, the permittee shall furnish security in the form of a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to Calvert County. The security shall be 125% of the amount necessary to cover the cost of the installation of the sediment and erosion control measures as shown on the approved sediment and erosion control plan and stabilization of the site. The security shall remain in effect for the life of the permit.
- B. Stabilization security. When it has been determined by the Division Chief or the Chief's designee that permanent stabilization of a site is not immediately possible due to adverse

weather conditions (i.e., excessive rainfall, frozen soil), the permittee shall furnish the security specified in Subsection A. A security shall only be accepted under the conditions outlined above and shall not be issued as a matter of convenience. The security shall be 125% of the amount necessary to stabilize the disturbed area on the site. This bond shall be held until such time as weather permits permanent stabilization to be undertaken. The duration of the bond shall be determined by the Project Management and Inspections Division Chief or his designee. The requirements of this section do not relieve the developer of having to provide temporary stabilization for the site.

### § 38-7. Inspection.

#### A. Inspection frequency and reports.

- (1) The permittee shall maintain a copy of the approved erosion and sediment control plan on site.
- (2) The permittee shall notify the Division of the start up date of the project at least 48 hours in advance thereof.
- (3) On all sites, the permittee shall request at least 48 hours in advance of the anticipated completion date that the Division inspect work completed at the stages of construction specified below to ensure accordance with the approved erosion and sediment control plan, the grading permit and this chapter.
  - (a) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with additional earth disturbance, grading or any construction; and
  - (b) Upon final stabilization before removal of sediment controls. Other building or grading inspection approvals may not be authorized until the final stabilization approval by the Division is made.
- (4) Every active site having an approved erosion and sediment control plan should be inspected for compliance with the plan on the average once every two weeks.
- (5) Inspectors shall prepare written reports after every inspection. The inspection report shall describe:
  - (a) The date and location of the site inspection.
  - (b) Whether or not the approved plan has been properly implemented and maintained.
  - (c) Any practice deficiencies or erosion and sediment control plan deficiencies.
  - (d) If a violation exists, the type of enforcement action taken.

#### B. Right of entry. It shall be a condition of every grading permit that the Division and any other county agency concerned with the administration or enforcement of this chapter has the right to enter the property periodically to inspect for compliance with this chapter. **[Amended 5-28-2002 by Ord. No. 21-02]**

C. Modification to erosion and sediment control plans.

- (1) The District and the Division may revise approved plans as necessary. The permittee shall be notified in writing of any major revision which the Division or District may require.
- (2) Modifications may be requested by a permittee. Requests for major modifications to approved plans shall be made in writing to the District. Major modifications shall require plan resubmittal for review by appropriate county agencies. Major revisions include but shall not be limited to conflicts between designed practices and field conditions, changes in the limit of work, encroachment on specified buffers, addition or deletion of sediment basins, and substitution of noninterchangeable erosion and sediment control practices.
- (3) When inspection of the site indicates the approved erosion and sediment control plan needs modification, the modification shall be made in compliance with the erosion and sediment control criteria contained in the Standards and Specifications as follows:
  - (a) The permittee shall submit requests for major modifications to approved erosion and sediment control plans to the District to be processed appropriately. This processing includes modifications due to plan inadequacies at controlling erosion and sediment as revealed through inspection.
  - (b) The inspector may approve minor modifications to approved erosion and sediment control plans in the field, as agreed to by the Division and District through a meeting of understanding, if documented on a field inspection report.

D. Complaints. The Division shall receive complaints and initiate enforcement procedures when violations are confirmed. Any complaint received shall be acted upon, routinely within three working days and the complainant shall be notified of any action or proposed action routinely within seven working days of receipt of the complaint.

**§ 38-S. Enforcement.**

- A. Violations defined. A person is in violation of this chapter and is liable for the sanctions in this section if the person:
- (1) Clears, grades, transports or otherwise disturbs land without first installing erosion and sediment controls in accordance with a plan approved under this chapter;
  - (2) Fails to establish erosion and sediment controls in accordance with an approved plan within the time specified by a Division order;
  - (3) Performs erosion and sediment control work that does not comply with or conform to a permit or approved plan;
  - (4) Fails to maintain erosion and sediment controls in accordance with an approved plan;  
or
  - (5) Fails to comply with any other provision of this chapter.
- B. Forfeiture of security.

- (1) If the Division deems it necessary to obtain forfeiture of any security posted pursuant to § 38-6 for any noncompliance with a permit or approved plans, a notice of noncompliance shall be sent to the permittee and the surety.
- (2) The notice shall:
  - (a) Be in writing.
  - (b) State the nature of the noncompliance.
  - (c) Set forth the nature of the corrections required.
  - (d) Set forth the time in which the corrections shall be made.
  - (e) Be sent to the permittee and surety by:
    - [1] Certified mail; or
    - [2] Personal hand-delivery.
- (3) If the corrections required by the notice are not commenced and diligently pursued within five days of notice and continued thereafter:
  - (a) The permittee shall be considered in default of the obligations imposed by the chapter.
  - (b) The County Engineer may take immediate action to obtain the necessary security posted.

#### C. Stop-work notice.

- (1) The Division shall issue a stop-work notice to:
  - (a) A permittee who does not act on a notice of noncompliance issued pursuant to Subsection B within the time set forth in said notice;
  - (b) Any person who undertakes erosion and sediment control work without first obtaining a permit; or
  - (c) Any person who is performing erosion and sediment control work which is creating an adverse control situation which the Division inspector deems to be of a critical environmental nature.
- (2) The stop-work notice is to be posted on the work site, and the Division shall attempt to deliver the notice to the permittee, the person actually performing the work, or the owner of the property, as appropriate, by any means reasonably calculated to effectuate delivery.
- (3) Once the stop-work notice is posted on the work site, no further work shall be permitted on the site other than as necessary to correct the noncompliance.

#### D. Denial of other permits or inspections.

- (1) When the Division determines that a permittee is not in compliance with the provisions of a grading permit or an approved sediment and erosion control plan, the

Division may request that the Inspections and Permits Division of the Department of Public Works:

- (a) Refuse to authorize or complete any building inspections on the effected property.
  - (b) Deny the issuance of any Calvert County permit to the permittee.
- (2) When the noncompliance has been corrected, inspections and permit issuance shall be resumed according to normal procedures.

E. Civil citation and fines.

- (1) On verification of a violation of this chapter, a Division inspector may issue a civil citation to the person, including a contractor, deemed responsible for committing the violation. The citation shall serve as a notification to the person concerned that the person has been assessed a civil fine that is due and payable to Calvert County, subject to the person's right to stand trial.
- (2) The citation shall be on a form adopted by the Board of County Commissioners of Calvert County, which shall include:
  - (a) The date of issuance of the citation.
  - (b) The name and the address of the person charged.
  - (c) The section number of the chapter that has been violated.
  - (d) The nature of the violation.
  - (e) The place where and time when the violation occurred.
  - (f) The amount of the civil fine assessed.
  - (g) The manner, location and time period in which the fine is to be paid.
  - (h) Where applicable, the notice that each day of continued violation thereafter shall be deemed a separate violation subject to additional citation.
  - (i) The name, business address and telephone number of the county official cognizant of the case.
  - (j) The person's right to elect to stand trial for the violation, and instructions and timing necessary to exercise the right to stand trial.
- (3) The citation is to be delivered in hand or by mail.
- (4) Each separate day of violation that remains uncorrected is a distinct civil violation subject to an additional citation and fine in the amount prescribed in this section.
- (5) The fine for each civil violation of this chapter is:
  - (a) Two hundred fifty dollars for the first violation.
  - (b) Five hundred dollars for the second violation.
  - (c) Seven hundred fifty dollars for the third violation.

- (d) One thousand dollars for each violation in excess of three.
  - (6) Subject to the person's right to stand trial, any person or contractor who violates any provision of this chapter and who is issued a citation under this section shall:
    - (a) Be deemed to have committed a civil violation.
    - (b) Pay to Calvert County a civil fine in the amount prescribed.
  - (7) Trial; notice.
    - (a) A person who receives a citation may elect to stand trial for the violation in the District Court of Maryland by filing with the Division a notice of intention to stand trial.
    - (b) The notice shall be filed with the Division at least five days before the last date on which payment of the fine is due as set forth in the citation.
    - (c) On receipt of the notice of intention to stand trial, the Division shall cause to be forwarded to the District Court a copy of the citation and the notice of intention to stand trial.
    - (d) On receipt of the citation, the District Court shall schedule the case for trial and notify the Department of the trial date.
  - (8) Failure to pay fine.
    - (a) If a person who received a citation for a violation fails to pay the fine by the date of payment set forth in the citation and fails to file a timely notice of intention to stand trial, a formal notice of the violation shall be sent to the person's last address, if known. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for an additional fine not to exceed twice the original fine. If, after 35 days, the citation is not satisfied, the county may request adjudication of the case through the District Court.
    - (b) The District Court shall schedule the case for trial and summon the defendant to appear.
  - (9) The Board of County Commissioners shall designate the County Attorney or the State's Attorney to represent the interests of the county under this chapter and whose duty shall be to prosecute a civil violation under this section.
- F. Liability for civil penalty related to cost of control and restoration.
- (1) In addition to any other sanction under this section, a person is liable for a civil penalty as provided in this section if the person is responsible for committing a violation described in Subsection A(1), (2), (3) and (4) of § 38-8.
  - (2) Calvert County may bring a civil action to recover a civil penalty from a person who is liable under Subsection F(1) of this section in an amount equal to double the cost of:
    - (a) The installation of erosion and sediment controls in accordance with an approved plan.

- (b) Maintaining erosion and sediment controls in accordance with an approved plan.
  - (c) The permanent restoration of the disturbed land to a stable condition.
  - (3) Recovery under Subsection F(2) of this section may be allowed:
    - (a) On proof of costs as specified in Subsection F(2).
    - (b) Without the necessity of proving that the county performed work or incurred expenses for said control or restoration.
  - (4) If any person responsible has made the required corrections within the time specified by a Division directive, the county may recover a civil penalty under this section in an amount equal to not more than 50% of the costs specified in Subsection F(2) of this section.
  - (5) Any civil penalties recovered under this section shall be deposited into a special fund, to be used solely for:
    - (a) Correcting to the extent possible the failure to implement or maintain erosion and sediment controls.
    - (b) Administration of the sediment control program.
- G. Special remedy for environmental harm.
- (1) If in the discretion of the County Engineer or designee of the County Engineer there is imminent and substantial environmental harm because of the instability of the site, the county may perform sufficient work at the site to eliminate public safety problems and to provide environmental stabilization and protection.
  - (2) It is a condition of each grading permit that the County Engineer or designee of the County Engineer may enter the site to undertake work in accordance with Subsection G(1) of this section.
  - (3) The cost of work performed by the county or its contractors under the provisions of this section shall:
    - (a) Be levied and collected from the owner of the property in the same manner as county real property taxes.
    - (b) Have the same priority rights, bear the same interest and penalties, and in every respect be treated as county real property taxes.
- H. Injunctions. The Board of County Commissioners of Calvert County or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this chapter.
- I. Criminal penalties. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, is subject to a fine not exceeding \$5,000 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.