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August 23, 2018

Benjamin H. Grumbles  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230-1718

**RE: Maryland Waters & Improving Construction Site Pollution Control**

Dear Secretary Grumbles:

We, the undersigned organization leaders, request an opportunity to meet with you to explore how we can support your efforts to increase the use of the highly-effective construction site pollution control practices required by State law.

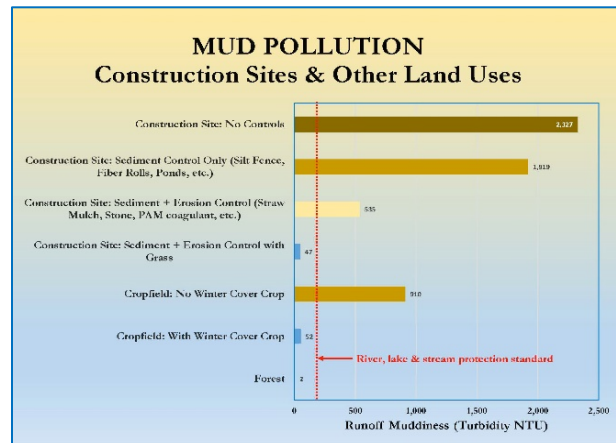
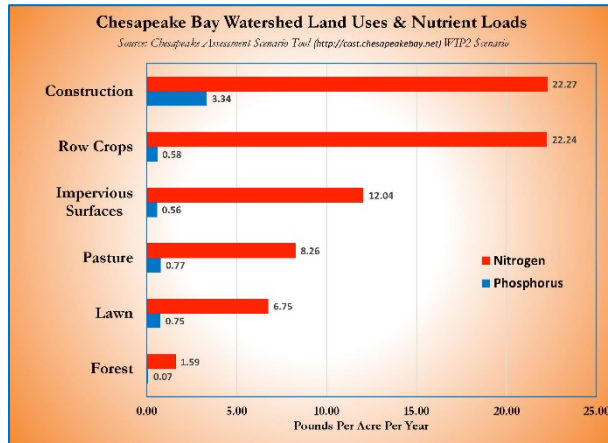
**WHAT ARE HIGHLY-EFFECTIVE CONSTRUCTION POLLUTION CONTROLS**

Pictured below are the most effective measures commonly used on construction sites to minimize erosion and pollution: straw mulch and grass. These *stabilization* measures reduce pollution by 90% to 99% making them far more effective than silt fence, ponds or other perimeter sediment controls.



## WHY GREATER USE OF HIGHLY-EFFECTIVE CONTROLS IS ESSENTIAL

Following are two graphs illustrating why greater use of mulch, grass, and other highly-effective construction site pollution control measures is so vitally important.



The left [graph](#) shows that no other land use generates more nutrient pollution per acre than construction sites. In the [graph to the right](#) you see that construction sites lead all other land uses in mud pollution (turbidity). The muddiness is mostly caused by clay particles while nutrients leave construction sites attached to clay particles or in a dissolved state. Perimeter controls, like the silt fence to the right, and ponds are very poor at trapping clay and dissolved pollutants.



The [Mud Pollution graph](#) above presents scientific data showing that only straw mulch, grass, and other temporary stabilization measures are **highly-effective** at preventing the discharge of clay and therefore nutrients as well as turbidity from construction sites. This is why it is so vitally important to achieve the goal of 100% compliance with the State law ([COMAR 26.17.01.07\(B\)\(6\)\(f\)\(i\)](#)) requiring the stabilization of all exposed soils once the initial two- to four-week clearing-active grading phase ends on most construction sites.

## STABILIZATION PRESENT ON MOST SITES BUT FREQUENTLY INADEQUATE

We have found that two key stabilization requirements are fully met on only about a third of construction sites. These requirements are set forth in the [2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control](#):

B-4 Standards and Specifications for Vegetative Stabilization: “Adequate vegetative stabilization requires **95 percent groundcover**.”

B-4-3 Standards and Specifications for Seeding and Mulching: “When straw mulch is used, spread it over all seeded areas at the rate of 2 tons per acre to a uniform loose depth of 1 to 2 inches. Apply mulch to achieve a uniform distribution and depth **so that the soil surface is not exposed**.”

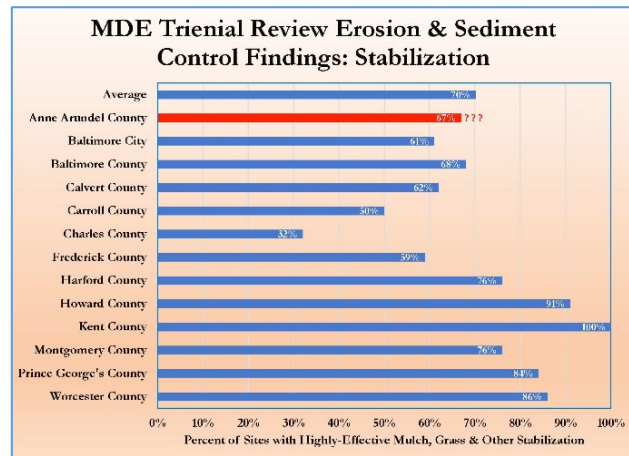
The following photos illustrate what we see on far too many construction sites.



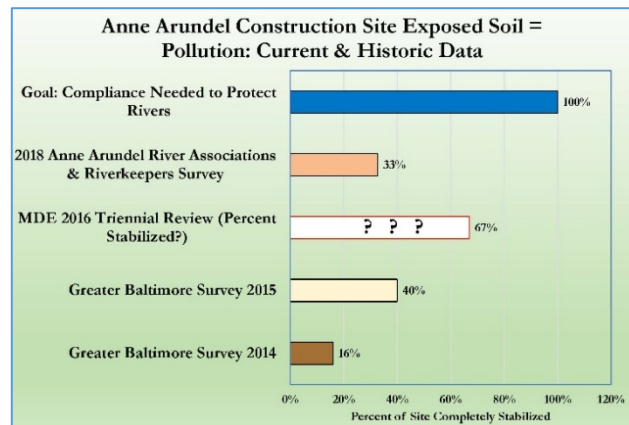
Grass is present in both photos above but is far below the 95% groundcover required by Standard & Specification B-4. And while straw mulch is commonly seen on most construction sites, the protective layer tends to be far below the *complete blanketing* needed to obscure underlying soil from view as required by Standard & Specification B-4-3. Failure to meet both standards results in the erosion seen in the photo to the right and unnecessary pollution of nearby waters.

### TRIENNIAL REVIEWS & HIGHLY-EFFECTIVE CONTROLS

Every three years the Department reviews local erosion and sediment control programs to ensure compliance with the stabilization regulation and the standards-specifications. The [graph](#) to the right presents the percent stabilization rates from the [most recent MDE triennial reviews](#). These reviews show an impressive overall stabilization rate of 70%.



However, the next [graph](#) compares the stabilization rate from the 2016 MDE Anne Arundel triennial review with that from three citizen surveys. In all three citizen surveys, *completely stabilized* was defined as 70% to 100% of disturbed soils were covered by grass, straw mulch or stone. Only portions of sites where active grading had ended were included in the citizen assessments.



In the 2016 MDE review of Anne Arundel County a 67% stabilization rate was noted, yet the [2015 Greater Baltimore Survey](#) and a very

recent [2018 River Association-Riverkeepers survey](#) documented that only 33% to 40% of construction sites benefitted from stabilization meeting the highly-effective pollution control achieved by compliance with the B-4 and B-4-3 Standard & Specification: 95% grass cover and complete mulch blanketing sufficient to obscure underlying soil from view.

We believe that the average 70% stabilization noted in MDE reviews may include coverage well below the 95% vegetative (grass) groundcover and the complete mulch blanketing requirements. If this is correct, then the Department has an opportunity to encourage greater use of these highly-effective construction site pollution controls. Achieving greater compliance with both requirements would dramatically reduce impacts to our rivers and other waters. And based on the content of the [most recent triennial review documentation](#) it appears the Department has begun to stress the need for more effective grass, mulch and other erosion-stabilizing practices. If this is also correct then we applaud the Department for moving in this direction.

The problem is that when we speak with local officials their interpretation is that the use of these highly-effective controls is only required on the perimeter and idle areas of a construction site. Stabilization below the 95% grass cover and complete mulch blanketing is allowed to persist for long periods on these and other portions of construction sites. As a result, only a third of soils exposed to erosive forces benefit from these highly-effective pollution control measures. This situation allows vast quantities of nutrients and turbidity pollution to needlessly foul our waters.

It is for these reasons that we are anxious to meet with you to discuss how we can support your efforts to preserve Maryland waters from this unnecessary impact. After all, for each dollar spent applying highly-effective construction pollution controls we taxpayers save [at least \\$100 in damages avoided](#).

Sincerely,

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