

Wednesday, Aug. 18, 2010

## Stormwater group urges increase in fines

Inspections for sediment violations in the county jump from 12,167 in 2002 to 22,512 in 2009

by Sara Gates | Special to The Gazette

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If a construction company dumps sediment down a storm drain, it's likely that Steve Dryden, of the Montgomery County Stormwater Partners Network, will hear about it.

Dryden, of Bethesda, has witnessed dumping and spills and has often been the person to report the offenses, which can lead to civil citations and \$500 county fines.

Stormwater Partners, an environmental activist group, is advocating for increasing the fines associated with sediment control and run-off to discourage companies from lagging on permits.

"I think this underlines the seriousness of the situation regarding sediment and pollution in Montgomery County and how day in and day out we are facing these violations and pollution events," said Dryden, who has co-chaired the group since 2005. "I think that the county needs to do a tougher job on these guys."

Dryden and Diane Cameron, Stormwater Partners co-chair and conservation director for the Audubon Naturalist Society, are working to double the fines for sediment control violations to \$1,000 in Montgomery County. County Councilmember Marc Elrich (D-At large) of Takoma Park has been working with the group on the issue. He did not return messages for comment Tuesday.

"I hope it will send more of a message. Obviously some big companies don't care. They just factor it into the cost of business," Dryden said.

Mud pollution, caused by sediment run-off, can be extremely harmful to waterways and often carries dangerous materials into the Chesapeake Bay, Cameron said.

Once it gets into streams and rivers, the soil smothers small fish, amphibians and plants, and can choke them to death, she said.

"Most of Montgomery County has clay soils and clay sub-soils, which is a very fine substance that looks almost like coffee with cream when it gets into the water," Cameron said. "This tends to not only cover eggs and fish, but carries a lot of toxics with it, causing more damage."

County code dictates that any change in fines for sediment control violations must apply to all class A violations, said county spokeswoman Esther Bowring. The county divides violations into classes A, B and C. The \$500 penalty for a class A violation, the most common, applies to noise complaints, hazardous materials spills and public urination.

"If we find something that's a violation we will tell the contractor or individual that this needs to be cleaned up. Then we'll come back and see if it's been cleaned up. Our job is to see that the situation has been corrected," Bowring said.

The Department of Permitting Services, which assesses fines, stop work orders, and notices of violations for sediment run-off issues for construction sites, should have more inspectors working more aggressively to enforce laws on construction sites, Cameron said.

Data obtained by Stormwater Partners revealed that the department has nearly doubled its number of active inspections from 12,167 in 2002 to 22,512 in 2009; in addition to assessed fines, from 200 to 340 in those years, respectively.

Stop work orders — notices that require companies to cease construction — which Cameron said can be effective in leading to change, was the same for both those years, did not change much in those years. Ninety-four orders were given in both 2002 and 2009.

The county issued \$79,380 in sediment control fines in 2009, according to the data.

Staff Writer Alex Ruoff contributed to this report.