20CP Appendix C: Antidegradation Checklist

For any portion of your construction site that is located within a watershed that is identified by the Department[1] or the EPA, as a Tier II for antidegradation purposes, you must provide information for the Department to perform an antidegradation review (COMAR 26.08.02.04-1). This Antidegradation Checklist [2] should be used when working with the Department on your antidegradation review and provides information related to your selection of appropriate stormwater controls to protect these water resources. **This checklist must be signed in accordance with Part II.A.8 and provided with your NOI.** Additional controls selected, the delineation of the Stream Protection Zone boundary and the location of buffers shall be clearly marked on the erosion and sediment control (E&SC) plan and approved by the appropriate approval authority pursuant to COMAR 26.17.01.

Project Name: Gregg Road Community Solar

General Permit Number (MD): 20CPP09DP / MDRCP09DP **OR, if not available,**

County ESC Plan Identifier: 290943

County: Montgomery **Site Map #** HV-341 **Parcel #** 115

Signature: Donald R. Zimmerman **Date Complete:** 3/31/2025

Name and Title: Donald R. Zimmerman, President / CEO

Do all Tier II watersheds impacted by the proposed activity HAVE assimilative capacity?[1] If the proposed construction activity is within a watershed which doesn't have assimilative capacity, you will need to consult with the Department's Tier II staff (https://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/Antidegradation_Policy.aspx) on available options for the site and list the outcomes of that discussion here. Comments: According to the Antidegradation Review Tier II Determination Letter dated March 28, 2025, no additional Tier II review is required for this permit	**Yes/No**
Has this project completed, or is currently undergoing, a Tier II Review? If yes, please provide the information listed below: ● If the approval requires any additional, special conditions; ● For what permits has the review been completed; ● When was the review completed or initiated; and ● Was the project was submitted under any other names for the Tier II Review. Comments: According to the Antidegradation Review Tier II Determination Letter dated March 28, 2025, no additional review is required for Gregg Road Community Solar for Permit 20CPP09DP & Sediment Control Permit 290943	**Yes/No**

[1] Use the interactive Tier II webmap located at: https://mdewwp.page.link/Tier2Map to assist you. On the map, Tier II watersheds colored orange have NO assimilative capacity.

[2] Alternative forms may be approved by the Department, if they contain the information in this checklist.

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Were any waivers granted by the Approval Authority for stormwater controls for this project? For projects in Tier II watersheds, waivers need to be fully justified in light of the potential to impact water quality. A waiver that was granted that could lead to degradation would require modeling or other evidence that the lack of stormwater controls will not impact the receiving waters. Comments: _____ _____	**Yes/No**
Will the site Meet the following Stabilization Criteria? After initial soil disturbance or redisturbance, permanent (2011 ESC Handbook Section B-4-5) or temporary (2011 ESC Handbook Section B-4-4) stabilization is required within: i. Three (3) calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and ii. Seven (7) calendar days as to all other disturbed areas on the project site except for those areas under active grading.	**Yes/No**
Will Increased Inspection Frequency for earth disturbing activity within a Tier II Watershed be conducted? For any portion of the site that discharges to a water that is identified by the Department as Tier II for antidegradation purposes, you must conduct inspections in accordance with the following inspection frequencies: Once every four (4) calendar days.	**Yes/No**
Will Stockpiles be located outside the Stream Protection Zone? For stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil (2011 ESC Handbook Section B-4-8), locate the piles outside of any Stream Protection Zones.	**Yes/No**
Were there any exemptions to the requirements for Protections in the Stream Protection Zone below? Note: The list of potential exemptions are listed at the end of this checklist. If exemptions were applicable they must be noted here. Comments: _____ _____ _____	**Yes/No**
Have you Verified your Stream Protection Zone Considerations below? All additional controls selected in Stream Protection Zone Alternative 2, to meet the Stream Protection Zone Considerations below shall be clearly marked on the erosion and sediment control (E&SC) plan and approved by the appropriate approval authority pursuant to COMAR 26.17.01. You are required to document in your E&SC plan where the natural buffer width that is retained (where you are implementing alternative 1 below) and you must document the reduced width of the buffer you will be retaining and document the additional erosion and sediment controls you will use (where you will be implementing alternative 2 below).	**Yes/No**

Comments: _____ _____ _____	
Will the site follow Stream Protection Zone Alternative 1? Provide and maintain an undisturbed natural buffer within the Stream Protection Zone (an average of 100 feet from edge of stream). Comments: _____ _____ _____	**Yes/No**
Will the site follow Stream Protection Zone Alternative 2? Provide and maintain an undisturbed natural buffer that is less than an average of 100 feet and is supplemented by additional erosion and sediment controls. The acceptable additional erosion and sediment controls include, but are not limited to, those listed in the 2011 ESC Handbook. Those controls are accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. These options are provided below, which are the controls that must be considered and, once selected, implemented when construction activity occurs within these Stream Protection Zones. The local approval authorities may provide additional options that provide similar protection. Check each that apply below. Comments: _____ _____ _____ _____ _____	**Yes/No**

○ ***a: Accelerated Stabilization Requirements***

Earth disturbance must be stabilized as soon as possible and as dictated by the approved plan (e.g., seed and mulch, soil stabilization matting, rip rap, sod, pavement):

- At a minimum, all perimeter controls (e.g., earth dikes, sediment traps) and slopes steeper than 3:1 require stabilization within three calendar days and all other disturbed areas within seven calendar days
- Accelerated stabilization (e.g., same day stabilization) may be required based on site characteristics or as specified by the approval authority

Comments: _____
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○ ***b: Redundant Controls***

When using redundant controls, the runoff must pass through two sediment control devices in series. The following are examples of possible combinations:

- When dewatering sump areas, sediment traps, or sediment basins, discharge sediment laden water first to a portable sediment tank and then a filter bag
- Install parallel rows of a perimeter filtering control or a combination thereof of

silt fence, super silt fence, and filter logs (e.g., two rows of parallel silt fence or a row of filter log parallel to a row of super silt fence)

Comments: _____
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○ ***c: Upgrade Controls***

The following are examples of possible upgrades:

- Upgrade from silt fence to super silt fence
- Upgrade from a temporary stone outlet structure to a temporary gabion outlet structure
- Upgrade all sediment traps and basins to control additional storage volume; increase the required storage volume from 3,600 cubic feet/acre to 5,400 cubic feet/acre
- Upgrade standard inlet protection type A to type B and upgrade at grade inlet protection to gabion inlet protection

Comments: _____
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○ ***d: Passive or Active Chemical Treatment***

Based on the soil type, chemical treatment may be necessary to control turbidity. The use of chemical additives requires permit coverage and considerations related to potential aquatic toxicity. https://mdewwp.page.link/ChemAddReview.

Comments: _____
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○ ***e: Reduction in the Size of the Grading Unit***

- Require grading unit limitations to 10 acres of earth disturbance inside the Stream Protection Zone
- Require grading unit limitations to 20 acres for any earth disturbance that is adjacent to and contiguous with earth disturbances inside the Stream Protection Zone

Comments: _____
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○ ***f: Prerogative of Approval Authorities***

The additional controls described above for projects in Stream Protection Zones are examples of accelerated stabilization, redundant controls, upgraded controls, passive or active chemical treatment, or a reduction in the size of the grading unit. Approval authorities may use these examples as a guide when approving projects, but may also apply further erosion and sediment control measures based on local site conditions, local regulations/ordinances, and best professional judgement.

Comments: _____
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Exemptions to the requirements for Protections in the Stream Protection Zone:

The following disturbances within the Stream Protection Zone are exempt from the requirements of this guidance:

- Construction approved under a CWA Section 404 permit; or Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
- If there is no discharge of stormwater to Waters of this State through the area between the disturbed portions of the site and receiving waters, you are not required to comply with the requirements in this guidance. This includes situations where you have implemented controls measures, such as a berm or other barrier, which will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this guidance.
    - Where some natural buffer exists but portions of the area within the Stream Protection Zone are occupied by preexisting development disturbances, you <u>are</u> required to comply with the requirements in this guidance. Clarity about how to implement the Stream Protection Zone alternatives for these situations is provided upon request from the Department.
- For “linear construction sites” , you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) make it infeasible to implement one of the above Stream Protection Zone alternatives, provided that, to the extent feasible, you limit disturbances within the Stream Protection Zone. You must also document in the Checklist your rationale for why it is infeasible for you to implement one of the above Stream Protection Zone alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.