

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

LEGISLATIVE SESSION, 2019

LEGISLATIVE BILL 2019 - 06

Introduced: September 3, 2019

By: The Council President at the request of the County Executive.

AN ACT TO AMEND CHAPTER 196 OF WICOMICO COUNTY CODE, TITLED "STORMWATER MANAGEMENT" TO ADD ARTICLE VIII, TO BE TITLED "ILLCIT DISCHARGES" AND TO RENUMBER THE EXISTING ARTICLE VIII, TITLED "MISCELLANEOUS PROVISIONS" TO BECOME ARTICLE IX.

WHEREAS, Wicomico County is empowered to regulate non-stormwater storm discharges to the storm drainage system by establishing definitions for illicit discharges and procedures relating thereto, in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, the County Council, having heard testimony and reviewed the Code Amendments related to illicit stormwater discharges, has determined that amendments are necessary to protect the health, safety and general welfare of the citizens of Wicomico County.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that an act to amend the Wicomico County Code, Chapter 196 entitled "Stormwater Management" to include the definitions, procedures, and enforcement sections set forth below, and to renumber Article VIII titled "Miscellaneous Provisions" to become Article IX with the corresponding renumbering be adopted as follows:

CHAPTER 196

STORMWATER MANAGEMENT

ARTICLE VIII

ILLCIT DISCHARGES

' 196.26 PURPOSE AND OBJECTIVES

- A. THE PURPOSE OF THIS CHAPTER IS TO PROVIDE FOR THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF WICOMICO COUNTY THROUGH THE REGULATION OF NON-STORM WATER DISCHARGES TO THE STORM DRAINAGE SYSTEM. THIS CHAPTER ESTABLISHES DEFINITIONS FOR ILLICIT DISCHARGES AND PROHIBITS ILLICIT DISCHARGES INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) IN ORDER TO COMPLY WITH REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT.
- B. THE OBJECTIVES OF THIS CHAPTER ARE:

1. TO REGULATE THE CONTRIBUTION OF POLLUTANTS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM BY STORMWATER DISCHARGES BY ANY USER;
2. TO PROHIBIT ILLICIT DISCHARGES AND CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM;
3. TO PREVENT NON-STORMWATER DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM GENERATED AS A RESULT OF SPILLS, INAPPROPRIATE DUMPING OR DISPOSAL; AND
4. TO ESTABLISH LEGAL AUTHORITY TO CARRY OUT ALL INSPECTION, MONITORING AND ENFORCEMENT NECESSARY TO ENSURE COMPLIANCE WITH THIS CHAPTER.

' 196.27 DEFINITIONS

- A. "BEST MANAGEMENT PRACTICE" MEANS A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING AND/OR REDUCE POLLUTANTS.
- B. "CONSTRUCTION ACTIVITY" IS AN ACTIVITY SUBJECT TO NPDES CONSTRUCTION PERMITS, INCLUDING CONSTRUCTION PROJECTS RESULTING IN LAND DISTURBANCE OF ONE (1) ACRE OR MORE, AND PROJECTS RESULTING IN LESS THAN ONE (1) ACRE OF DISTURBANCE IF PART OF A LARGER DEVELOPMENT PLAN. SUCH ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO CLEARING AND GRUBBING, GRADING, EXCAVATING AND DEMOLITION.
- C. "HAZARDOUS MATERIALS" ARE ANY MATERIAL, INCLUDING ANY SUBSTANCE, WASTE OR COMBINATION THEREOF, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION OR PHYSICAL, CHEMICAL OR INFECTIOUS CHARACTERISTICS MAY CAUSE, OR SIGNIFICANTLY CONTRIBUTE TO, A SUBSTANTIAL PRESENT OR POTENTIAL HAZARD TO HUMAN HEALTH, SAFETY, PROPERTY OR THE ENVIRONMENT WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, DISPOSED OF OR OTHERWISE MANAGED.
- D. "ILLCIT CONNECTIONS" ARE DEFINED AS ANY DRAIN OR CONVEYANCE, WHETHER ON THE SURFACE OR SUBSURFACE, WHICH ALLOW ANY ILLICIT DISCHARGE TO ENTER THE STORM DRAIN SYSTEM INCLUDING BUT NOT LIMITED TO ANY CONVEYANCES WHICH ALLOW ANY NON-STORM WATER DISCHARGE INCLUDING SEWAGE, PROCESS WASTEWATER AND WASH WATER TO ENTER THE STORM DRAIN SYSTEM AND ANY CONNECTIONS TO THE STORM DRAIN SYSTEM FROM INDOOR DRAINS AND SINKS, REGARDLESS OF WHETHER SAID DRAIN OR CONNECTION HAD BEEN PREVIOUSLY ALLOWED, PERMITTED OR APPROVED BY CITY, COUNTY, STATE OR FEDERAL AGENCIES.
- E. "ILLCIT DISCHARGE" IS ANY DIRECT OR INDIRECT NON-STORM WATER DISCHARGE TO THE STORM DRAIN SYSTEM, EXCEPT AS EXEMPTED BY THIS CHAPTER.

- F. "INDUSTRIAL ACTIVITY" IS AN ACTIVITY SUBJECT TO NPDES INDUSTRIAL PERMITS. THE STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES ARE DEFINED IN 40 CFR, SECTION 122.26 (B)(14).
- G. "MUNICIPAL SEPARATE STORM SEWER SYSTEM" (MS4) IS THE STORM DRAIN SYSTEM OF CONVEYANCES, OWNED AND OPERATED BY THE COUNTY, DESIGNED OR USED FOR COLLECTING OR CONVEYING STORMWATER.
- H. "NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM" (NPDES) STORM WATER DISCHARGE PERMIT IS A PERMIT ISSUED BY ENVIRONMENTAL PROTECTION AGENCY OR BY THE STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT, THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS TO WATERS OF THE UNITED STATES, WHETHER THE PERMIT IS APPLICABLE TO AN INDIVIDUAL PROPERTY, OR ON GENERAL AREA-WIDE BASIS. THE PERMIT CONTAINS LIMITS ON WHAT CAN BE DISCHARGED, AND MONITORING AND REPORTING REQUIREMENTS.
- I. "NON-STORM WATER DISCHARGE" IS ANY DISCHARGE TO THE STORM DRAIN SYSTEM THAT IS NOT COMPOSED ENTIRELY OF STORM WATER.
- J. "OIL" REFERS TO ANY KIND OF OIL IN ANY FORM, INCLUDING BUT NOT LIMITED TO PETROLEUM, FUEL OIL, CRUDE OIL, SYNTHETIC OIL, MOTOR OIL, BIO-FUEL, COOKING OIL, GREASE, SLUDGE, OIL REFUSE, AND OIL MIXED WITH WASTE.
- K. "PESTICIDE" IS A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MIGRATE ANY PEST, OR SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT, OR DESICCANT.
- L. "POLLUTANT" IS ANYTHING WHICH CAUSES OR CONTRIBUTES TO POLLUTION. POLLUTANTS MAY INCLUDE, BUT ARE NOT LIMITED TO PAINTS, VARNISHES AND SOLVENTS; OIL AND OTHER AUTOMOTIVE FLUIDS; NON-HAZARDOUS LIQUID AND SOLID WASTES AND YARD WASTES (INCLUDING GRASS CLIPPINGS); REFUSE, RUBBISH, GARBAGE, LITTER OR OTHER DISCARDED OR ABANDONED OBJECTS, THAT MAY CAUSE OR CONTRIBUTE TO POLLUTION; FLOATABLES; PESTICIDES, HERBICIDES AND FERTILIZERS; HAZARDOUS SUBSTANCES AND WASTES; SEWAGE, FECAL COLIFORM AND PATHOGENS; DISSOLVED AND PARTICULATE METALS; ANIMAL AND PET WASTE; WASTES AND RESIDUES THAT RESULT FROM CONSTRUCTING A BUILDING OR STRUCTURE; AND, NOXIOUS OR OFFENSIVE MATTER OF ANY KIND.
- M. "PREMISES" REFERS TO ANY BUILDING, LOT, PARCEL OF LAND, OR PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING ADJACENT SIDEWALKS AND PARKING.

- N. "STORM DRAINAGE SYSTEM" REFERS TO THE FACILITIES BY WHICH STORM WATER IS COLLECTED AND/OR CONVEYED, INCLUDING BUT NOT LIMITED TO ANY ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, GUTTERS, CURBS, INLETS, PIPED STORM DRAINS, PUMPING FACILITIES, RETENTION AND DETENTION BASINS, BEST MANAGEMENT PRACTICES, NATURAL AND HUMAN-MADE OR ALTERED DRAINAGE CHANNELS, RESERVOIRS AND OTHER DRAINAGE STRUCTURES.
- O. "STORMWATER POLLUTION PREVENTION PLAN" IS A DOCUMENT WHICH DESCRIBES THE BEST MANAGEMENT PRACTICES AND ACTIVITIES TO BE IMPLEMENTED BY A PERSON OR BUSINESS TO IDENTIFY SOURCES OF POLLUTION OR CONTAMINATION AT A SITE AND THE ACTIONS TO ELIMINATE OR REDUCE POLLUTANT DISCHARGES TO STORM WATER, STORM WATER CONVEYANCE SYSTEMS AND/OR RECEIVING WATERS TO THE MAXIMUM EXTENT PRACTICABLE IN COMPLYING WITH THE GENERAL PERMIT FOR DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

' 196.28 PROHIBITED DISCHARGES INTO SYSTEM

- A. THE SPECIFIC PROHIBITIONS AND REQUIREMENTS IN THIS SECTION DO NOT INCLUDE ALL THE DISCHARGES PROHIBITED, BUT ARE PROVIDED TO ADDRESS SPECIFIC DISCHARGES THAT ARE FREQUENTLY FOUND OR ARE KNOWN TO OCCUR. NO PERSON SHALL RELEASE OR ALLOW TO BE RELEASED ANY OF THE FOLLOWING SUBSTANCES INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM:
1. ANY NEW OR USED PETROLEUM PRODUCT.
 2. ANY INDUSTRIAL WASTE.
 3. ANY HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE, INCLUDING HOUSEHOLD HAZARDOUS WASTE.
 4. ANY DOMESTIC SEWAGE OR SEPTIC TANK WASTE, GREASE TRAP OR GREASE INTERCEPTOR WASTE, HOLDING TANK WASTE, WASTE OIL BINS, OR GRIT TRAP WASTE.
 5. ANY GARBAGE, RUBBISH OR OTHER WASTE.
 6. ANY NEW OR USED PAINTS, INCLUDING LATEX-BASED PAINTS, OIL-BASED PAINTS, STAINS, VARNISH, AND PRIMERS, AS WELL AS CLEANING SOLVENTS AND OTHER ASSOCIATED PRODUCTS.
 7. ANY YARD WASTE THAT HAS BEEN MOVED OR GATHERED BY A PERSON.
 8. ANY WASTEWATER THAT CONTAINS SOAP, DETERGENT, DEGREASER, SOLVENT, OR SURFACTANT-BASED CLEANER FROM A COMMERCIAL MOTOR VEHICLE WASH FACILITY; FROM ANY VEHICLE WASHING, CLEANING, OR MAINTENANCE AT ANY NEW OR USED MOTOR VEHICLE DEALERSHIP, RENTAL AGENCY, BODY SHOP, REPAIR SHOP, OR MAINTENANCE FACILITY; OR FROM ANY WASHING, CLEANING OR MAINTENANCE OF ANY BUSINESS OR COMMERCIAL OR PUBLIC SERVICE VEHICLE, INCLUDING A TRUCK, BUS OR HEAVY EQUIPMENT.

9. ANY WASTEWATER FROM A COMMERCIAL MOBILE POWER WASHER OR FROM THE WASHING OR OTHER CLEANING OF A BUILDING EXTERIOR THAT CONTAINS SOAP, DETERGENT, DEGREASER, SOLVENT, OR ANY SURFACTANT BASED CLEANER.
10. ANY WASTEWATER FROM COMMERCIAL FLOOR, RUG, OR CARPET CLEANING.
11. ANY WASTEWATER FROM THE WASH DOWN OR OTHER CLEANING OF PAVEMENT THAT CONTAINS ANY SOAP, DETERGENT SOLVENT, DEGREASER, EMULSIFIER, DISPERSANT, OR OTHER CLEANING SUBSTANCE; OR ANY WASTEWATER FROM THE WASH DOWN OR OTHER CLEANING OF ANY PAVEMENT WHERE ANY SPILL, LEAK, OR OTHER RELEASE OF OIL, MOTOR FUEL, OR OTHER PETROLEUM HAZARDOUS SUBSTANCE HAS OCCURRED, UNLESS ALL SUCH MATERIALS HAVE BEEN PREVIOUSLY REMOVED.
12. ANY EFFLUENT FROM A COOLING TOWER, CONDENSER, COMPRESSOR, EMISSIONS SCRUBBER, EMISSION FILTER, OR THE BLOWDOWN FROM A BOILER.
13. ANY READY-MIXED CONCRETE, MORTAR, CERAMIC, OR ASPHALT BASE MATERIAL OR DISCHARGE RESULTING FROM THE CLEANING OF VEHICLES OR EQUIPMENT CONTAINING OR USED IN TRANSPORTING OR APPLYING SUCH MATERIAL.
14. ANY RUNOFF, WASH DOWN WATER OR WASTE FROM ANY ANIMAL PEN, KENNEL, FOWL OR LIVESTOCK CONTAINMENT AREA OR ANY PET WASTES GENERALLY.
15. ANY SWIMMING POOL, FOUNTAIN OR SPA WATER OR OTHER WATER CONTAINING A HARMFUL LEVEL OF CHLORINE PER MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATIONS.
16. ANY DISCHARGE FROM WATER LINE DISINFECTION BY SUPER CHLORINATION IF IT CONTAINS A HARMFUL LEVEL OF CHLORINE (>0.1 PPM) AT THE POINT OF ENTRY INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM OR SURFACE WATERS.
17. ANY CONTAMINATED RUNOFF FROM A VEHICLE WRECKING OR STORAGE YARD.
18. ANY SUBSTANCE OR MATERIAL THAT WILL DAMAGE, BLOCK, OR CLOG THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.
19. ANY RELEASE FROM A PETROLEUM STORAGE TANK, OR ANY LEACHATE OR RUNOFF FROM SOIL CONTAMINATED BY LEAKING PETROLEUM STORAGE TANK; OR ANY DISCHARGE OF PUMPED, CONFINED, OR TREATED WASTEWATER FROM THE REMEDIATION OF ANY SUCH PETROLEUM STORAGE TANK RELEASE, UNLESS THE DISCHARGE HAS RECEIVED AN NPDES PERMIT FROM THE STATE.
20. ANY OTHER DISCHARGE THAT CAUSES OR CONTRIBUTES TO CAUSING THE COUNTY TO VIOLATE A STATE WATER QUALITY STANDARD, THE COUNTY'S NPDES STORMWATER PERMITS, OR ANY STATE ISSUED DISCHARGE PERMIT FOR DISCHARGES FROM ITS MUNICIPAL SEPARATE STORM SEWER SYSTEM.

- B. NO PERSON SHALL RELEASE OR CAUSE TO BE RELEASED INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM ANY HARMFUL QUANTITY OF SEDIMENT; SILT, EARTH, SOIL, OR OTHER MATERIAL ASSOCIATED WITH CLEARING, GRADING, EXCAVATION OR OTHER CONSTRUCTION ACTIVITIES IN EXCESS OF WHAT COULD BE RETAINED ON SITE OR CAPTURED BY EMPLOYING SEDIMENT AND EROSION CONTROL MEASURES.
- C. ALL PESTICIDES, HERBICIDES, AND FERTILIZERS SHALL BE USED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS. PESTICIDES, HERBICIDES AND FERTILIZERS SHALL BE STORED, TRANSPORTED AND DISPOSED OF IN A MANNER TO PREVENT RELEASE TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.
- D. NO PERSON SHALL TAMPER WITH, DESTROY, VANDALIZE, OR RENDER INOPERABLE ANY BEST MANAGEMENT PRACTICES THAT HAVE BEEN INSTALLED FOR THE PURPOSE OF ELIMINATING OR MINIMIZING POLLUTANT DISCHARGES, NOR SHALL ANY PERSON FAIL TO INSTALL OR FAIL TO PROPERLY MAINTAIN ANY BEST MANAGEMENT PRACTICES THAT HAVE BEEN REQUIRED BY COUNTY OR BY OTHER LOCAL, STATE, OR FEDERAL JURISDICTIONS.

' 196.29 EXEMPT DISCHARGES

- A. UNLESS IDENTIFIED AS A SIGNIFICANT SOURCE OF POLLUTANTS TO WATERS OF THE STATE, THE FOLLOWING NON-STORM WATER DISCHARGES ARE EXAMPLES OF ACTIVITIES ALLOWED TO ENTER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.
 - 1. WATER LINE FLUSHING PERFORMED BY A GOVERNMENT AGENCY.
 - 2. DRAINAGE OF MUNICIPAL WATER STORAGE TANKS.
 - 3. DISCHARGES OR FLOWS FROM FIREFIGHTING ACTIVITIES.
 - 4. INDIVIDUAL RESIDENTIAL VEHICLE WASHING.
 - 5. IRRIGATION WATER.
 - 6. UNCONTAMINATED GROUNDWATER INFILTRATION TO SEPARATE STORM SEWER.
 - 7. DECHLORINATED SWIMMING POOL DISCHARGES IN COMPLIANCE WITH MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATIONS.

' 196.30 PROHIBITION OF ILLICIT CONNECTIONS

- A. NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED THROUGH AN ILLICIT CONNECTION TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM OPERATED BY WICOMICO COUNTY ANY DOMESTIC SEWAGE, NON-CONTACT COOLING WATER, PROCESS WASTEWATER, OR OTHER INDUSTRIAL WASTE.
- B. THE CONSTRUCTION, USE, MAINTENANCE OR CONTINUED EXISTENCE OF ANY ILLICIT CONNECTIONS TO THE STORM DRAIN SYSTEM IS PROHIBITED.

- C. THIS PROHIBITION EXPRESSLY INCLUDES, WITHOUT LIMITATION, ANY ILLICIT CONNECTIONS MADE IN THE PAST, REGARDLESS OF WHETHER THE CONNECTION WAS PERMISSIBLE UNDER LAW OR PRACTICES APPLICABLE OR PREVAILING AT THE TIME OF CONNECTION.
- D. A PERSON IS CONSIDERED TO BE IN VIOLATION IF THE PERSON CONNECTS A LINE CONVEYING SEWAGE TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM OR ALLOWS SUCH A CONNECTION TO CONTINUE.
- E. ANY OWNER OR PERSON RESPONSIBLE FOR A PROPERTY OR PREMISES, WHICH IS, OR MAY BE, THE SOURCE OF AN ILLICIT DISCHARGE, SHALL BE REQUIRED TO IMPLEMENT, AT THE OWNER'S OR PERSON'S EXPENSE, THE BEST MANAGEMENT PRACTICE NECESSARY TO PREVENT THE FURTHER DISCHARGE OF POLLUTANTS TO THE MUNICIPAL STORM SEWER SYSTEM. COMPLIANCE WITH ALL TERMS AND CONDITIONS OF A VALID NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AUTHORIZING THE DISCHARGE OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY, TO THE EXTENT PRACTICABLE, SHALL BE DEEMED COMPLIANT WITH THE PROVISIONS OF THIS SECTION.

' 196.31 ACCESS AND INSPECTION/MONITORING OF PROPERTIES AND FACILITIES

- A. RIGHT OF ENTRY: WHEN THE COUNTY HAS REASONABLE CAUSE TO BELIEVE THAT AN ILLICIT DISCHARGE CODE VIOLATION EXISTS OR WHEN ENTRY IS REQUIRED FOR PERIODIC INSPECTIONS AND MONITORING TO DETERMINE COMPLIANCE, THEN THE COUNTY IS AUTHORIZED TO ENTER THE STRUCTURE OR PREMISES AT REASONABLE TIMES TO INSPECT.
- B. PRIOR TO INSPECTION, THE COUNTY MUST MAKE REASONABLE EFFORTS TO LOCATE THE OWNER OR OTHER PERSON HAVING CHARGE OR CONTROL OF THE STRUCTURE OR PREMISES TO REQUEST ENTRY. IF ENTRY IS REFUSED OR NOT OBTAINED, THE COUNTY IS AUTHORIZED TO PURSUE RECOURSE AS PROVIDED BY LAW.

' 196.32 ENFORCEMENT ACTIONS

- A. NOTIFICATION OF VIOLATION. WHENEVER THE COUNTY FINDS THAT ANY USER HAS VIOLATED OR IS VIOLATING ANY LOCAL, STATE OR FEDERAL ILLICIT DISCHARGE REQUIREMENTS OR ANY CONDITION OF THIS CHAPTER, THE COUNTY SHALL SERVE THE USER WITH A WRITTEN NOTICE OF VIOLATION STATING THE STANDARD OR REQUIREMENT VIOLATED AND THE NATURE OF THE VIOLATION. THE COUNTY MAY REQUIRE THE USER TO RESPOND WITHIN THIRTY (30) DAYS OF THE NOTICE OF VIOLATION WITH A PLAN FOR THE SATISFACTORY CORRECTION THEREOF WHICH SHALL BE SUBMITTED, IF REQUIRED, TO THE COUNTY BY THE USER. THE COUNTY MAY REQUIRE WRITTEN PROOF OF PROPER DISPOSAL OF PROHIBITED ITEMS, SUCH AS WASTE MANIFESTS.

- B. COMPLIANCE ORDERS. WHEN THE COUNTY FINDS THAT A USER HAS VIOLATED OR CONTINUES TO VIOLATE THIS CHAPTER, THE COUNTY MAY ISSUE AN ORDER TO THE USER RESPONSIBLE FOR THE ILLICIT DISCHARGE, DIRECTING THAT THE USER COME INTO COMPLIANCE. COMPLIANCE ORDERS MAY ALSO CONTAIN OTHER REQUIREMENTS TO ADDRESS THE NONCOMPLIANCE, INCLUDING SELF-MONITORING AND MANAGEMENT PRACTICES. ISSUANCE OF A COMPLIANCE ORDER SHALL NOT BE A PREREQUISITE TO TAKING ANY OTHER ACTION AGAINST THE USER.
- C. CEASE AND DESIST ORDERS. WHEN THE COUNTY FINDS THAT A USER IS VIOLATING THIS CHAPTER, THE COUNTY MAY ISSUE AN ORDER TO THE USER DIRECTING IT TO CEASE AND DESIST ALL SUCH VIOLATIONS AND DIRECTING THE USER TO IMMEDIATELY COMPLY WITH ALL REQUIREMENTS AND TO TAKE SUCH APPROPRIATE REMEDIAL OR PREVENTIVE ACTION AS MAY BE NEEDED TO PROPERLY ADDRESS A VIOLATION, INCLUDING HALTING OPERATIONS AND/OR TERMINATING THE ILLICIT DISCHARGE.
- D. SUPPLEMENTAL ENFORCEMENT ACTION. THE COUNTY MAY ASSESS A FEE TO THE USER RESPONSIBLE FOR AN ILLICIT DISCHARGE THAT RESULTS IN EXPENSES TO THE COUNTY, THAT EXCEED THE COST OF NORMAL OPERATIONS, AS COMPENSATION TO THE COUNTY FOR SAID EXPENSES. THESE FEES MAY INCLUDE, BUT SHALL NOT BE LIMITED TO CLEANUP, DISPOSAL AND REPAIR COSTS. ALL LABOR SHALL BE ASSESSED AT THE HOURLY RATE OF THE EMPLOYEE(S) INVOLVED WITH AN ADDITIONAL THIRTY PERCENT (30%) FOR OVERHEAD.
- E. JUDICIAL ENFORCEMENT REMEDIES. IF ANY PERSON DISCHARGES AN ILLICIT DISCHARGE INTO THE COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM CONTRARY TO THE PROVISIONS OF THIS CHAPTER OR ANY ORDER OF THE COUNTY, AN ACTION FOR APPROPRIATE LEGAL AND/OR EQUITABLE RELIEF MAY BE COMMENCED.
1. INJUNCTIVE RELIEF.
 - A. IN GENERAL. THE COUNTY MAY BRING AN ACTION FOR AN INJUNCTION AGAINST ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER OR ANY RULES, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED UNDER THIS CHAPTER.
 - B. FINDINGS. IN ANY ACTION FOR AN INJUNCTION UNDER THIS SECTION, ANY FINDING BY A COURT AFTER HEARING IS PRIMA FACIE EVIDENCE OF EACH FACT THE COURT DETERMINES.
 - C. GROUNDS. ON A SHOWING THAT ANY PERSON IS VIOLATING OR IS ABOUT TO VIOLATE THIS SUBTITLE OR ANY RULE, REGULATION, ORDER, OR PERMIT ADOPTED OR ISSUED BY THE COUNTY, THE COURT SHALL GRANT AN INJUNCTION WITHOUT REQUIRING A SHOWING OF A LACK OF AN ADEQUATE REMEDY AT LAW.

- D. EMERGENCY. IF AN EMERGENCY ARISES DUE TO IMMINENT DANGER TO THE PUBLIC HEALTH OR WELFARE, OR IMMINENT DANGER TO THE ENVIRONMENT, THE COUNTY MAY TAKE ANY EMERGENCY ACTION NECESSARY TO STOP OR LIMIT THE DANGER AND THE COUNTY MAY ALSO SEEK AN IMMEDIATE INJUNCTION TO STOP ANY ILLICIT DISCHARGE, POLLUTION OR OTHER ACTIVITY THAT IS CAUSING THE DANGER.
2. CIVIL PENALTIES. ANY USER WHO IS FOUND TO HAVE VIOLATED OR CONTINUES TO VIOLATE AN ORDER OF THE COUNTY OR WHO HAS VIOLATED OR CONTINUES TO VIOLATE ANY PROVISION OF THIS CHAPTER AND THE ORDERS, RULES AND REGULATIONS ISSUED HEREUNDER SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND SHALL BE LIABLE FOR A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE. EACH DAY ON WHICH A VIOLATION SHALL OCCUR OR CONTINUE SHALL BE DEEMED A SEPARATE AND DISTINCT OFFENSE. IN ADDITION TO THE PENALTIES PROVIDED HEREIN, THE COUNTY MAY RECOVER REASONABLE ATTORNEY'S FEES, COURT COSTS, COURT REPORTER'S FEES AND OTHER EXPENSES OF LITIGATION BY APPROPRIATE SUIT AT LAW AGAINST THE USER AND/OR PERSON FOUND TO HAVE VIOLATED THIS CHAPTER OR THE ORDERS, RULES, REGULATIONS AND PERMITS ISSUED HEREUNDER.
3. CRIMINAL PROSECUTION.
- A. ANY PERSON WHO KNOWINGLY MAKES ANY FALSE STATEMENTS, REPRESENTATIONS OR CERTIFICATION IN ANY APPLICATION, RECORD, REPORT, PLAN OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED PURSUANT TO THIS CHAPTER SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS OR BY BOTH.
- B. ANY USER WHO WILLFULLY OR THROUGH GROSS NEGLIGENCE VIOLATES ANY PROVISION OF THIS CHAPTER SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS OR BY BOTH.
- C. ANY USER WHO WILLFULLY OR THROUGH GROSS NEGLIGENCE INTRODUCES ANY SUBSTANCE INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM WHICH CAUSES PERSONAL INJURY OR PROPERTY DAMAGE SHALL, UPON CONVICTION, BE GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS OR BY BOTH. THIS PENALTY SHALL BE IN ADDITION

TO ANY OTHER CAUSE OF ACTION FOR PERSONAL INJURY OR
PROPERTY DAMAGE AVAILABLE UNDER STATE LAW.

- F. REMEDIES NONEXCLUSIVE. THE PROVISIONS IN THIS SECTION ARE NOT EXCLUSIVE. THE COUNTY RESERVES THE RIGHT TO TAKE SUCH OTHER LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION. FURTHER, THE COUNTY IS EMPOWERED TO INSTITUTE MORE THAN ONE ENFORCEMENT ACTION AGAINST ANY NONCOMPLIANT USER. THESE ACTIONS MAY BE TAKEN CONCURRENTLY.
- G. ENFORCEMENT APPEALS. ANY PERSON MAY PETITION THE COUNTY BOARD OF APPEALS TO RECONSIDER THE TERMS OF AN ENFORCEMENT ACTION WITHIN THIRTY (30) DAYS OF ITS ISSUANCE.
1. FAILURE TO SUBMIT A TIMELY PETITION SHALL BE DEEMED TO BE A WAIVER OF THE ENFORCEMENT APPEAL.
 2. IN ITS PETITION, THE APPEALING PARTY MUST INDICATE THE ENFORCEMENT PROVISIONS OBJECTED TO, THE REASONS FOR THIS OBJECTION, AND THE ALTERNATIVE CONDITION, IF ANY, IT SEEKS TO PLACE IN THE ENFORCEMENT ACTION.
 3. THE EFFECTIVENESS OF THE ENFORCEMENT ACTION SHALL NOT BE STAYED PENDING THE APPEAL.
 4. IF THE COUNTY BOARD OF APPEALS FAILS TO ACT WITHIN THIRTY (30) DAYS, A REQUEST FOR RECONSIDERATION SHALL BE DEEMED TO BE DENIED. DECISIONS NOT TO RECONSIDER OR MODIFY AN ENFORCEMENT ACTION SHALL BE CONSIDERED FINAL ENFORCEMENT ACTION FOR THE PURPOSES OF JUDICIAL REVIEW.
 5. AGGRIEVED PARTIES SEEKING JUDICIAL REVIEW OF THE FINAL ENFORCEMENT ACTION DECISION MUST DO SO BY FILING A COMPLAINT WITH THE WICOMICO COUNTY DISTRICT COURT WITHIN THIRTY (30) DAYS OF THE FINAL ENFORCEMENT ACTION DECISION.

ARTICLE VIII ARTICLE IX - Miscellaneous Provisions

§ 196-2633 Appeals. Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of the disapproval of a properly filed application for a permit or issuance of a written notice of violation, shall have the right to appeal the action to the Board of Appeals. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under the Board of Appeals' Rules of Procedure.

§ 196-2734 Severability. If any portion of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this chapter. It is the intent of Wicomico County that this chapter shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

§ 196-~~2835~~ Penalties. Any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or imprisonment not exceeding one year, or both, for each violation, with costs imposed in the discretion of the court and not to exceed \$50,000. The Director of the Department of Public Works or his designee is hereby authorized to issue citations for civil infractions of this chapter. Each day that a violation continues shall be a separate offense. In addition, Wicomico County may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this chapter. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

SECTION II: BE IT ENACTED that this Legislative Bill shall be known 2019 - ~~06~~ of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 1st day of October, 2019.

WICOMICO COUNTY, MARYLAND

 (SEAL)

By: John T. Cannon, President

 (SEAL)

By: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

 (SEAL)

By: Laura Hurley, Secretary

Explanation:

~~Strike Out indicates matters deleted from existing law.~~

CAPITALS INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2019 Legislative Session

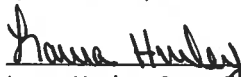
Legislative Day No. 06

LEGISLATIVE BILL NO. 2019-06

INTRODUCED BY: The Council President at the Request of the County Executive

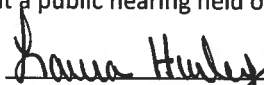
Bill No. 2019-06: An Act to Amend Chapter 196 of the Wicomico County Code, Titled "Stormwater Management" to add Article VIII, to be titled "Illicit Discharges" and to Renumber the Existing Article VIII, titled "Miscellaneous Provisions" to become Article IX.

Introduced and read first time on September 3, 2019. Ordered posted and public hearing scheduled for October 1, 2019 at 6:00 p.m.



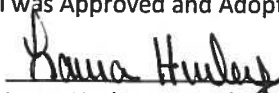
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on October 1, 2019 and concluded on October 1, 2019.



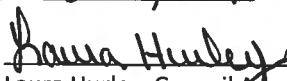
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 1st day of October, 2019.




Laura Hurley, Council Administrator

Presented to the County Executive for approval this 2nd day of October, 2019 at 11:30 AM. (5 days §411)



Laura Hurley, Council Administrator

BY THE EXECUTIVE:



County Executive

APPROVED
Date: 10/2/19
(21 days §411)

VETOED
Date: _____

BY THE COUNCIL:

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on October 2, 2019 and effective on: December 2, 2019.
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Executive within 21 days of its presentation, stands enacted on _____ and becomes effective on _____.
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)

ENROLLMENT: Legislative Bill No. 2019-06 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.



Laura Hurley, Council Administrator