

Open Work Session
Stormwater Management Update
February 20, 2018

Mr. Weston Young, Deputy Director of Administration, and Mr. Dallas Baker, Director of Public Works, came before Council. Mr. Young said they have a few updates regarding stormwater. He said he will turn things over to Mr. Baker, but they will entertain any questions that pop up along the way.

Mr. Baker said one of the first things he will talk about is that they have scheduled the first round of Countywide drainage meetings for the public. He said the intention is to present the public with a presentation similar to what Council saw back when this process first started, to bring in their drainage area maps, and, basically, ask for the public's input on problem areas they have seen so the County can then get a better idea of locations they need to focus on, but also solicit some input on things the public thinks the County can do to help address drainage issues. He said the first of those meetings is on March 1, and they are all 6:00 p.m. meetings. He said the first meeting on March 1 is in Pittsville, the second meeting is on March 8 in Mardela Springs, the third is March 13 in the Westside Community Center, and the final meeting is March 15 at the Wicomico Civic Center. He said those meetings have all been posted on the County Website, issued in a press release, and they are trying to get the word out the best they can. Mr. Joe Holloway asked if letters can be sent out to the Public Drainage Association members. He said he knows Mr. Baker has put this on the website, and in the paper, but sometimes people do not read those. He said he is going to try to call the folks in his district, and maybe some of the other Councilmembers will also do that to make sure the citizens attend the meetings. Mr. Baker asked if Mr. Joe Holloway is referring to the managers of the Public Drainage Associations, to which Mr. Joe Holloway responded, yes. Mr. Dodd added, to advise them of the public meeting. Mr. Joe Holloway said Mr. Baker has their addresses, and he thinks that would be a good idea. Mr. Dodd said he thinks this is a great idea, and they have talked about these public meetings several times before. He said his concern is the same as Mr. Joe Holloway's, and that is getting the public involved. He said he does not know if there is a direct way to contact the people who have been contacting the County the most about this issue, but he is certainly going to try to respond to the citizens who have contacted Council. He said he knows Mr. Baker does not have a chain email with everyone's address, but they should advertise this as much as they can, to which Mr. Baker responded, absolutely.

Mr. Baker said the second item he has is the Pratt Road drainage study. He said they have finished up the survey work out there, and they are translating that survey data over to CAD drawings to begin the analysis. He said they are also working on the grant application. He said that application is due to MDE by March 3, and they are hoping to have that finished up this week. He said the application will then come over to the County for their review before submitting it to the State for reimbursement on the grant.

Mr. Baker said the third item is legislation. He said they are continuing to work on some draft legislation for a nuisance ordinance to cover folks who fill in their swales with trash, put a building on top of it, or just fill it in with dirt for whatever reason. He said this would give the County some teeth so that, if they have problems where one neighbor is flooding another neighbor, the County does not have to just respond to them with "Well, sorry, hire a lawyer and sue," but would have the ability to be able to step in and try to help the citizens out without having to take the legal route. He said they hope to have a draft of that to Council for the next meeting. Mr. Dodd said he knows Mr. Baker is asking for this legislation to give the County some teeth. He then asked how they would know who the offender is,

other than being on somebody else's property, to which Mr. Baker responded, they would see a big pile of debris or dirt in their swale blocking the drainage. Mr. Dodd asked if it would be on their property, to which Mr. Baker responded, yes, it would be on their property.

Mr. Baker said the fourth item is on the Barren Creek front, and the design is underway. He said they completed the soil borings the week before last, and they were trying to complete the survey last week, but, with all the rain, it kept the surveyors from getting where they needed to be, so that process is underway. Mr. Kilmer asked what the timeframe is, and if it is still on target, to which Mr. Baker responded, yes, he has not heard of any delays for that.

Mr. Baker said they have also been out these past couple of weeks cleaning out inlets now that the snow has passed by. He said, with the rain the County has been getting, they are cleaning out inlets to make sure the areas that have closed drainage systems are open and functioning.

Mr. Baker said, lastly, they are continuing to do drive-bys of areas, such as Pratt Road and Kaywood Drive, whenever they get storms to make sure those roads are not flooding, and that the drainage system is operating correctly. Mr. Matt Holloway said they have had a fair amount of rain, but no big scale storms. He then asked if there have been any issues, and if everything is functioning, to which Mr. Baker responded, there have not been any issues. He said he has been driving out there personally and has not seen anything. He said the pipes are accepting it. He said they have received a fair amount of rain, but, fortunately, it has been spread out over time, which is really the big item.

Mr. Joe Holloway said he knows they just had one of the key people at Roads retire. He then asked how Mr. Baker's staffing level is, and if there are enough people there to do the work that needs to be done, to which Mr. Baker responded, they have a few open positions right now, and they are working on getting those filled with HR, getting the positions advertised, and such. Mr. Young said he thinks, overall, with keeping the ditch networks clean, as well as maintaining the WIP projects that every year they put more in, they may need additional crews in the long run to assist with that, but he thinks there are vacancies now. Mr. Joe Holloway said there is a lot of prep to be done for new paving projects, to which Mr. Young responded, clearing the shoulders in anticipation of paving. Mr. Joe Holloway asked if they are up to date on that, to which Mr. Baker responded, they are actually starting on Laws Road. He said they are supposed to be out on Laws Road today doing some crossroad pipe replacement. He said, right now, they are a little bit behind, but it is more because of the weather. He said it has been so wet that they need a stretch of about a week to let things dry out to be able get out there and do that. He said they are looking at going around to cut shoulders because they see that paving season is right around the corner.

Mr. Taylor said he just has one comment. He said he thinks he has talked to Mr. Young and Mr. Baker about this, but the State is getting ready to come out with a new NPDES MS4 general permit which they will be responsible for in the County for the first time. He said the City of Salisbury is subject to it already, but the new permit is going to have a restoration requirement in it that is not in the current Salisbury permit, and that means restoring areas that do not already have what is deemed to be adequate stormwater management. He said it does not relate directly to what they are speaking of today, but there is, obviously, an overlap. He said he thinks it would be wise to look at this very carefully, and those draft legislations are out, and have been now for some time. He said they probably are going to be issued in the next 30 to 60 days, and he just mentions this because the State does enforce it. He said Montgomery County just got hit with a \$300,000 penalty for not complying with the permit it is already subject to, which, essentially, is now being rolled down to the smaller Counties and

municipalities, so it is something to keep their eye on. Mr. Baker said he has been aware of it for years as he was over at the City when this program started. He said the County, actually, just signed a contract to do the baseline mapping, which is one of the first phases of that permit. He said they have taken steps to complete the first step of that permit process before they have even gotten the permit, so they are way out in front. Mr. Joe Holloway asked what the next step is, to which Mr. Baker responded, the first step is coming up with a map of their area looking at the impervious areas for the County. He said from there, they look at what areas are being treated, and the goal is a certain level of reduction, or treatment of impervious areas, beyond a deadline. He said they look at how much impervious area they have, and he believes 2006 is where they draw the line. He said, for example, if they have a parking lot that was constructed before 2006 and is receiving treatment, that can be taken out of the calculation for how much impervious area the County has to treat. He said they do have areas that are not being treated, and those are the places they then have to focus on by providing some type of treatment for those impervious areas. He said it is, basically, figuring out what they have, figuring out where they need to go, and then developing a plan to get there. He said there are also other steps along the way, such as pollution prevention plans, and there are elicit discharge detection and elimination programs, which is surveying storm drain pipes to see if there is an odd colored liquid or smell coming out to find out if anyone is illegally dumping into the storm drain system. He said there is also an education and outreach portion as well. He said, if he remembers correctly, there are six key portions of the permit they have to address. He said the biggest time-consuming part is the initial baseline mapping. He said that is why they are getting a jump on it now, so when it is due in September 2019, they already have it done. He said right now it looks like they should have that done by April or May of 2019, so the County will have it completed approximately six months before it is due. Mr. Taylor said the big money part of it comes later in the restoration, to which Mr. Baker responded, yes, but they can also double dip and tie those restoration projects in with WIP projects, and it all becomes nice and synergistic. He said they will be looking for ways to maximize that bang for their buck and get double credit for it. Mr. Taylor said the ten Counties that have been subject to it now for about five years are estimated to be about 35 percent through the restoration requirement, and they have already spent over half a billion dollars. Mr. Baker responded, in places such as Montgomery County and Prince Georges County where they have that much room, and with that much real estate, it is very costly and is going to cost about a million dollars. He said one of the benefits of this area is there is room, they are not jammed in on top of each other, everything is not asphalt, and everything does not cost \$80,000 an acre. Mr. Young said the important thing to mention, as well, is that this permit does not cover the entire County. He said it just covers urbanized areas within the County which are, notably, around the various jurisdictions, so parts of the County that are adjacent to the City of Salisbury are going to be where they need to focus these efforts. He said the urbanized areas are going to come with more impervious surface, so, as Mr. Baker said, it is pretty much removing impervious surface, or providing some sort of treatment to it. He said the rest of the permit tends to be good housekeeping, such as how much street sweeping they are doing, cleaning the pipes, looking at what the County is doing at their facilities to make sure they do not have, for example, open containers of paint when it rains, and things like that, and trying to limit potential for pollutants getting into the system. He said with education and outreach, they can get into the weeds on that, and, if the EPA comes down to audit the program, it is a lot of documentation. He said it is not only showing how many roads they have swept, but how many publications or educational packets they have put out, and how many events they attended providing education about stormwater controls. He said it is a lot of extra paperwork they did not have before. He said they have been communicating with the State regularly, so this is not something that is new to them. He said, as Mr. Baker said, once they have the mapping, they will have a better idea of the specific areas they need to maintain, and how many pipes fall into those permitted areas. He said outside the permitted areas they are just going to keep doing their normal maintenance and WIP projects. Mr. Joe Holloway asked Mr. Young to explain what

they mean by treating impervious surfaces. He said he knows what they mean by street sweeping, but will this permit regulate how much a business has to sweep their parking lot? He then asked for clarification of what they mean by treating them, to which Mr. Young responded, prior to stormwater regulations, a good example would be the old mall, and how much pavement was out there. He said, if they look at the new mall from an aerial photo, they will see that stormwater ponds were put in around it. He said, if they were to build that same facility today, it is even more restrictive, and they would see a lot more of what they call bio-retentions, or miniature wetlands, running between parking spaces. He said, if they take a pre-stormwater parking lot, wherever it is, and put in some sort of treatment, it would mean some sort of bio-retention. He said old school stormwater was get it off the site as fast as possible, get it to an inlet, get it to a pipe, and then truck it to the water as fast as they can. He said the problem with that is the people downstream are affected. He said stormwater ponds then came about to control the stormwater on a site so they are not flooding their neighbors downstream. He said it has evolved since then where it is now a water quality element, so now it is not only to avoid flooding their neighbors, but giving the water leaving a chance to infiltrate, which is a net positive because it helps replenish groundwater, and gives plants a chance to absorb it, etc. He said that helps lower the amount leaving, and lets it leave cleaner. He said, in the case of an old parking lot, they would then maybe lose two parking spaces, and have it drain to a bio-retention area. He said, with heavy rainfalls, all of these devices have overflow such that, when they get inundated, it is going to go down a pipe and go. He said, for the smaller rainstorms that they have been having where it is a lot of rain but over a long period of time, the plants can absorb it, the ground can absorb it, and there is less leaving the site. He said the State is going to want them to show that, whether in the County, or, if redevelopment occurs in those permitted areas, the County could claim treatment there. Mr. Joe Holloway asked if they will have to go into an existing parking lot and do that, to which Mr. Young responded, they will have to weigh their options. He said, with their WIP projects, they focus on County owned properties so they do not have any land acquisition costs. He said they will have to see, and that goes back to the mapping that is being done. He said he thinks it would help to have a comprehensive Work Session to talk about this, but they are not at that point yet. He said they do not have the mapping done, and, although there are general permit requirements out there, they will fine tune those specifically to Wicomico County. He said they are already working on their game plan, but he does not think they are quite ready for that elaborate conversation yet. Mr. Taylor said that Mr. Young had mentioned EPA inspections. He then said they pulled a SNAP inspection on Salisbury about two years ago, and they got about a \$25,000 fine. He said they call them consent decrees, but they are really fines. Mr. Baker said, when he first came to work for the County and was tasked with developing the MS4 program, he met with Amanda Pollack of the City of Salisbury Engineering Department. He said he worked there when Salisbury first set up their program, went away for a while, and then came back to find out the City just got audited. He said he asked the City what the findings were, where their dings were, and he really had a great exchange of information with Ms. Pollack to find out the problems they had encountered. He said, in a nutshell, what it boiled down to was the EPA was dinging them on places where they tried handling things in-house. He said, if the EPA saw they spent money on a consultant, or spent money for sending out brochures and pamphlets, those were the places they were not getting dinged on. He said, if they took their City inspectors out to look at storm drain pipes, and had their own form developed, which all met their permit requirements, the EPA was still trying to ding them on that. He said the City talked back a lot of what the EPA was originally trying to fine them by showing them where they actually were compliant with the permits. He said he sat down with the City, and he has been going off some of that guidance as to how they are developing their program in the County. Mr. Young said, in summary, they are well aware of the MS4 permit that is coming their way. There was no further discussion.

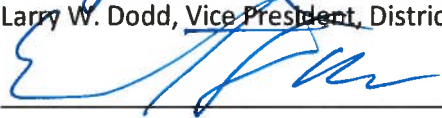
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**Open Work Session Minutes
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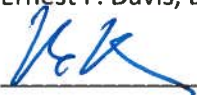
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John T. Cannon, President



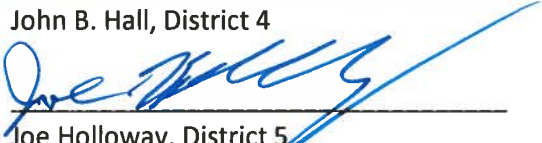
Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



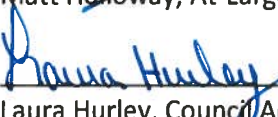
Marc Kilmer, District 2

John B. Hall, District 4


Joe Holloway, District 5



Matt Holloway, At-Large



Laura Hurley, Council Administrator