

**Open Work Session**  
**Quarterly Stormwater Management Discussion**  
**June 18, 2019**

Mr. Dallas Baker, Director of Public Works, and Mr. Weston Young, Assistant Director of Administration, came before Council. Mr. Baker said he believes Council was forwarded a copy of some proposed Legislation that covers the illicit discharge detection and elimination portion of the County's municipal separate storm sewer system permit, commonly referred to as MS4. He said this Legislation identifies what they consider pollutants in stormwater, it allows them to go onto private property and inspect stormwater outfalls, it provides for the enforcement of preventing pollution from entering their storm drains, and it is part of a requirement the MS4 permit says they have to put in place in order to meet what is called one of their minimum control measures as part of the larger permit. He said they took, basically, what Salisbury did, which has already been approved by the Maryland Department of Environment (MDE) and the Environmental Protection Agency (EPA), modified it as best as they could on the Public Works side, and sent it over to Legal for further tweaking to figure out where they incorporate this language into their current Charter, and what Council has before them is kind of the meat and potatoes of it. He said some of the numbering and chapter numbers might change, but, for the most part, the language it incorporates is what they would like to do. He said they do not want to reinvent the wheel, especially if it is something MDE and the EPA already approved, so those are their thoughts, and that is what Council has before them.

Mr. Cannon asked how this plays into how they are trying to address the stormwater issue as a whole in the County. He said they have been going through that over the last couple of years, and he is wondering how this comes into play with that, to which Mr. Baker responded, the MS4 permit is centered around stormwater drainage. He said they are trying to look at projects that will kind of tag team all of the issues, address drainage problems, address stormwater management, and address the MS4 permit. He said upcoming modifications to the watershed improvement plan (WIP) projects are being tied to MS4 as well, and, again, this is just part of the Legislation that is required from the MS4 permit. He said it is his understanding there was a request for an update on proposed Legislation, so that is what they provided. Mr. Cannon clarified, there was a request for a report on stormwater management, which they have been discussing on a quarterly basis. He said Council is aware of the fact that Mr. Baker has been instructed not to discuss that with Council, though he thinks it is an important matter for all citizens of Wicomico County because it is a County issue, and Council has taken that on, but now they are discussing this Resolution, so he guesses that is what they are there to discuss.

Mr. Young added, if they go to the third page of the proposed chapter under prohibited discharges into the system, he thinks this touches on a lot of the issues Mr. Baker has been presenting over the years in terms of people dumping things in ditches, and this is an enforcement mechanism. He said, for example, item number five prohibits any garbage, rubbish, or other waste, and number seven mentions any yard waste that has been moved or gathered by a person. He said he thinks as Council reads through this they are going to see that some of the common issues presented by Mr. Baker are being addressed with this proposal. He said, while it is a requirement for the MS4 permit, he thinks this will also assist Public Works and Codes in terms of how to address some of the nuisance flooding caused by people who have blocked ditches, or dumped things in ditches, so he sees a connection with this.

Mr. Holloway said number nine says wastewater from commercial power washers or from the cleaning of a building exterior contains soap, detergent, grease, or solvent. He then asked if that means anybody

power washing a building cannot use any kind of cleaner to do that with, and does that eliminate power washing a house, to which Mr. Young responded, this is the direction MDE and the EPA want them to go, so yes. Mr. Holloway asked if that is a State law now, to which Mr. Baker responded, in terms of power washing, it does not prevent people from power washing their houses, and it does not prevent commercial entities from power washing people's homes. He clarified, if they are going to power wash someone's house and it is draining to a County-owned storm drain, they have to take measures to capture that runoff back so it does not enter the storm drain, and that can be accomplished a couple of ways. He said, if it is just the water draining off into somebody's yard and infiltrates into the ground, that is fine. He said, typically, what they would probably see is the power washing runoff going down a driveway into the street and into a storm drain, so they could potentially put down what looks like giant filled up socks across the driveway to absorb that water back. He said this is taking steps to capture and retain any chemicals that might be entering into the stormwater system.

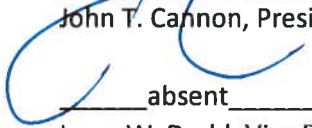
Mr. Cannon said Council has not had this Resolution very long to review, and suggested they hold a Work Session on it. He said, if this is going to be a serious Resolution, which he assumes it is, he thinks it would probably benefit everyone to have a little more time to look at it and be prepared, and read it in advance, and then they could schedule another Work Session. He said he thinks they could tie that Work Session in with the quarterly Work Session because, either way, it is all part of the same process they are trying to resolve. He said instead of seeing them piece meal this by Resolution, he would like to see them discuss it as a whole with everything else which they have had a lot of good work on over the last year because Mr. Baker has been doing excellent work over the last year. He said it has been really good, and he is just hoping to see how far they are going, and, to him, they are at that stage where he thinks some final implementations are in place, and they would just like to know where that is for the benefit of the County as a whole. He said they will put this on the schedule. He said he does not know how much more they have to fine tune this, but they will put this on for another Work Session once Council has had time to review it, and they can go over it more in depth, if that works for them.

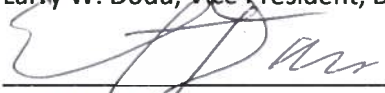
Mr. McCain asked Mr. Baker if he has any time parameters they have to be working under, to which Mr. Baker responded, the first year's work plan has to be in place by October of this year, so he would like to have this approved and in place by October so, when they do their first year's annual report, they can check that box off. He said the second year is when they have to actually start doing these inspections, and he hates waiting until the last minute, so if he can get this approved before October, then when October 1 rolls around, that starts his year ticking to go out and inspect these outfalls. He said they have to do 20 percent of the outfalls along the river, or up to 100 outfalls, so that is a significant amount to go out and try to inspect. He said it is a lot easier to inspect these things in the wintertime when the vegetation is not growing, and he is not getting swamped with ticks and mosquitos, and all the other fun stuff, so he would love to hit the ground running in the late fall and through the winter to get these inspections done. He said a lot of the early work on this is going to be, when they go out and inspect these locations, they are also going to be getting GPS positions on where they are at. He said right now the maps they have of all of these outfall locations are all based off of their as-builts, but it is a lot easier to go out and find where the location is, and they can clear some of the vegetation around it.

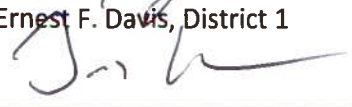
Mr. Taylor said this will have to be done as an ordinance, not as a Resolution, so it will need two readings with a Public Hearing. Mr. McCain said, Work Session-wise, they probably need to do this fairly soon because, by the time they have two Public Hearings, they will find themselves in September really quick. Mr. Cannon said, as he said, now that they have this document, they can review it, and then they can have a substantial Work Session in the very near future.

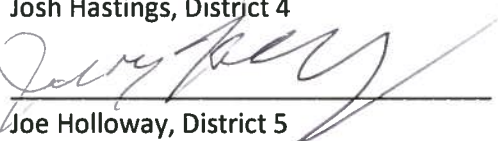
Mr. Holloway said most of this is probably already in Maryland Law, to which Mr. Baker responded, he imagines a lot of it has probably been incorporated from other Counties in the State. Mr. Holloway asked if this is something the State is saying they have to do, to which Mr. Baker responded, yes, it is. He said it is a requirement in the permit, and, in fact, it specifically says one of the requirements is to establish and document legal means for gaining access to private property to investigate and eliminate illicit discharges, and there is a whole appendix related specifically to this. He said this has already passed through Salisbury, and is something citizens have been familiar with, so this is not something they are coming out of left field with, and, again, he does not want to reinvent the wheel. There was no further discussion.


  
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John T. Cannon, President

  
absent  
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Larry W. Dodd, Vice President, District 3

  
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Ernest F. Davis, District 1

  
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Josh Hastings, District 4

  
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Joe Holloway, District 5

  
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William R. McCain, At-Large

  
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Laura Hurley, Council Administrator