

CHAPTER 53: ENVIRONMENTAL MANAGEMENT OF STORM SEWER SYSTEMS

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Cross-reference:

Stormwater Management, see Chapter 153

GENERAL PROVISIONS

§ 53.01 PURPOSE; OBJECTIVES.

(A) The purpose of this chapter is to provide for the health, safety, and general welfare of the residents of the county, the Chesapeake Bay region, and the state through the regulation of nonstormwater discharges to the storm drainage system. This chapter establishes methods for controlling the introduction of illicit discharges or pollutants into the county's separate storm sewer system (CS4) in order to comply with requirements of the NPDES permit process.

(B) The objectives of this chapter include:

- (1) Regulation of the contribution of pollutants to the CS4 by stormwater discharges by any user; and
- (2) Prohibition of illicit connections and discharges to the CS4.

(2004 Code, § 105-1) (Ord. 04-03, passed 4-1-2004)

§ 53.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not defined in this chapter shall have the meaning as defined in any chapter of the County Code or in the Md. Code, Natural Resources Article, §§ 8-1201 et seq. Any term not defined in the County Code in any chapter shall have its generally accepted meaning.

BEST MANAGEMENT PRACTICES (BMPs). Conservation practices or systems of practices and management measures that minimize adverse impacts to the environment including surface water, groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics. **BMPs** include schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. **BMPs** also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), and any subsequent amendments.

COMAR. Code of Maryland Regulations.

CONSTRUCTION ACTIVITY. An activity subject to NPDES construction permits, including a construction project resulting in land disturbance of one acre or more, clearing, grubbing, grading, excavating, and demolition.

COUNTY SEPARATE STORM SEWER SYSTEM or CS4. A separate storm sewer system that is owned or maintained by the county and designed to convey stormwater runoff to a point of discharge into waters of the state.

DRAINAGE BASIN. An area drained by an ordered stream system and classified by the highest order stream that forms its discharge.

ENHANCEMENT. An action performed to provide additional protection to create or improve the function of an ecosystem.

FACILITY. Any structure or complex of structures where runoff is discharged into a CS4.

HAZARDOUS MATERIALS. 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.

ILLICIT CONNECTION. A surface or subsurface drain or conveyance which allows an illicit discharge to enter the storm drain system, including but not limited to:

(1) A conveyance which allows a nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system or a connection to the storm drain system from an indoor drain or sink, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) A drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any discharge to any CS4 that is not composed entirely of stormwater runoff except discharges resulting from common residential stormwater runoff, firefighting activities, or from any legally permitted discharge. The direct discharge of any sanitary discharge, including domestic sewage or other pollutants into any CS4, will be considered an **ILLICIT DISCHARGE**.

INDUSTRIAL ACTIVITY. An activity subject to NPDES industrial permits as defined in 40 C.F.R. § 122.26(b)(14).

NPDES. National pollutant discharge elimination system.

NPDES STORMWATER DISCHARGE PERMIT. A permit issued by the Environmental Protection Agency (EPA) or the state that authorizes the discharge of pollutants to waters of the United States.

OUTFALL. The point where a storm sewer system discharges.

PERSON. Includes the federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

POLLUTANT.

(1) A contaminant that may result in any alteration of the physical, chemical, or biological properties of groundwater or surface water, including any change in temperature, taste, color, turbidity, or odor of the receiving waters or discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into groundwater or surface water that may render the waters harmful, or detrimental to the public health or welfare, to any domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial use of the water, to any livestock, wild animals, birds, fish, or other aquatic species that may use the water; or

(2) Any substance that may cause or contribute to pollution, including but not limited to paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same 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 wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

SEPARATE STORM SEWER SYSTEM. The equivalent of a municipal separate storm sewer system (MS4) as defined in 40 C.F.R. § 122.26. A conveyance or system of conveyances including but not limited to, drainage systems, public streets, catch basins, curbs, gutters, ditches, swales, constructed channels, storm drains, associated underground piping and any on-site stormwater management facilities that are:

(1) Designed or used for the collection and conveyance of stormwater runoff (either immediate or delayed) from any form of precipitation event;

(2) Not any part of a combined sewer system; and

(3) Not part of or discharging into any publicly owned treatment works (POTW) as defined in 40 C.F.R. § 122.2.

SIGNIFICANT MATERIALS. Includes but is not limited to: raw materials, petroleum derivative products; any controlled hazardous substances pursuant to COMAR 26.13; industrial waste pursuant to COMAR 26.08.01.01; infectious waste pursuant to COMAR 26.04.07.02; materials such as solvents or detergents; finished materials such as metallic products; raw materials used in food processing or production; fertilizers; pesticides; waste products such as ashes, slag, and sludge, or any other material that could result in pollution of waters of the state as a constituent in stormwater discharge.

STORM DRAINAGE SYSTEM. Any facilities by which stormwater is collected or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water resulting from any form of natural precipitation.

STRUCTURE. Anything constructed, the use of which requires fixed location on the ground or which is attached to something having fixed location.

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

WATERCOURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in and including any adjacent area that is subject to inundation from overflow or flood waters and their associated wetlands.

(2004 Code, § 105-2) (Ord. 04-03, passed 4-1-2004)

§ 53.03 DISCHARGES.

(A) No new connection to a CS4 may be effected without prior approval of the county.

(B) No person may:

(1) Discharge any significant materials or pollutant into any component of any CS4 that would constitute an illicit discharge;

(2) Continue any illicit discharge to any CS4;

(3) Create any condition that may result in an illicit discharge or pollution of stormwater conveyed and discharged from any outfall of those systems;

(4) Cause or contribute to any type of illicit discharge into a CS4 or watercourse that may result in a potential for adverse impact;

(5) Alter or create an obstruction to flow of a CS4 or watercourse that reduces its capacity or ability to provide its intended design capacity or natural function; or

(6) Create a new connection or maintain a connection that may introduce any discharge other than stormwater into any CS4 or watercourse.

(C) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2004 Code, § 105-3) (Ord. 04-03, passed 4-1-2004)

§ 53.04 EXEMPTIONS.

The following discharges are exempt from the prohibitions established by this chapter:

(A) Water line flushing or other potable water sources;

(B) Landscape irrigation or lawn watering;

(C) Permitted diverted stream flows;

(D) Rising groundwater;

(E) Groundwater infiltration to storm drains;

(F) Uncontaminated pumped groundwater;

(G) Uncontaminated discharge from foundation drains or pumps;

(H) Air conditioning condensation;

(I) Springs;

(J) Noncommercial washing of vehicles;

(K) Natural riparian habitat or wetland flows;

(L) Firefighting activities;

(M) Any water source not containing pollutants;

(N) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

(O) Dye testing with prior verbal notification to the authorized enforcement agency; and

(P) Any nonstormwater discharge legally permitted under a NPDES permit issued by the Maryland Department of the Environment, provided that the discharger is in full compliance with all requirements of the issued permit and with all other applicable laws and regulations and with prior written approval of discharge to the CS4.

(2004 Code, § 105-4) (Ord. 04-03, passed 4-1-2004)

STORM SEWER PROTECTION

§ 53.15 MAINTENANCE.

Any person in control of any part of a storm sewer system, including any stormwater management facility or any surface or subsurface stormwater conveyance system, shall maintain those components in good and workable condition. The owner shall promptly repair and restore the systems or components when conditions warrant.

(2004 Code, § 105-5) (Ord. 04-03, passed 4-1-2004)

§ 53.16 SUSPENSIONS; TERMINATIONS.

(A) The county may, without prior notice, suspend any approved discharge access to a CS4 to a person, when suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to public health or welfare, or to any system, watercourse, or designated sensitive resource. If a person fails to comply with a suspension order, the county may take steps to prevent or minimize damage to any storm sewer system, watercourse, or sensitive resource or to minimize an identified danger or hazard to the general health and welfare.

(B) A person discharging to a CS4 or watercourse in violation of this chapter may have the system access terminated if such termination would abate, reduce, or eliminate an illicit discharge. The county shall notify a violator in writing of the proposed termination of system access. The violator may petition the county for reconsideration. Reinstatement of a discharge, connection, or access which has been terminated pursuant to this section without the county approval constitutes a violation of this chapter.

(2004 Code, § 105-6) (Ord. 04-03, passed 4-1-2004)

§ 53.17 COMPLIANCE.

A person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of the permit. Proof of compliance with the permit shall be submitted in a form acceptable to the county prior to allowing any discharge to the CS4.

(2004 Code, § 105-7) (Ord. 04-03, passed 4-1-2004)

§ 53.18 INSPECTIONS.

This section applies to all facilities that have stormwater discharges, including construction activity or any other discharge to any CS4.

(A) The county may, upon notification, enter and inspect the source of any discharge, including those under an individual or general NPDES permit, that are subject to this chapter when necessary to determine compliance. Failure to cooperate with an inspection constitutes a violation of this chapter.

(B) To determine compliance, the county may inspect, sample, examine, and investigate the source of any discharge to a CS4. In support of any investigation, the county may review and copy any records maintained pursuant to the conditions of any discharge permit or this chapter.

(C) The county may require the discharger to install monitoring equipment if the nature of the discharge warrants. The facility's sampling and monitoring equipment shall be maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.

(2004 Code, § 105-8) (Ord. 04-03, passed 4-1-2004)

§ 53.19 CONTROL OF ILLICIT DISCHARGES.

(A) The owner of any property shall prevent accidental discharge of prohibited materials or pollutants into CS4 or watercourses through the use of structural and nonstructural BMPs.

(B) Any person who is the source of an illicit discharge may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to any CS4. Compliance with the terms and conditions of a valid NPDES permit authorizing the discharge of stormwater constitutes compliance with this section.

(2004 Code, § 105-9) (Ord. 04-03, passed 4-1-2004)

§ 53.20 WATERCOURSE PROTECTION.

(A) The owner of property through which a watercourse passes shall keep and maintain that part of the watercourse within the property generally free of man-made obstructions or sources of pollutants.

(B) The owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that the structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(2004 Code, § 105-10) (Ord. 04-03, passed 4-1-2004)

§ 53.21 NOTIFICATION OF SPILLS OR ACCIDENTAL DISCHARGES.

(A) **Responsibility.** Notwithstanding other requirements of law, any person responsible for a site who has information of an illicit discharge or discharge of pollutants into stormwater, the storm sewer system, or watercourse shall contain and clean up the release.

(B) **Time.**

(1) For a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(2) For a release of nonhazardous materials, the person shall notify the county in person or by telephone or facsimile no later than the next business day.

(3) Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the county within three business days of the notice by telephone.

(C) **Commercial or industrial records.** If the discharge of prohibited materials emanates from a commercial or industrial use, the owner or operator shall retain an on site written record of the discharge and the actions taken to prevent its recurrence.

(2004 Code, § 105-11) (Ord. 04-03, passed 4-1-2004)

§ 53.22 GUARANTY.

The county may require a surety, cash bond, irrevocable letter of credit, or other means of security acceptable to the county as a guaranty under certain requirements of this chapter. In cases when a guaranty is required, the amount required shall be no less than the total estimated cost of the action required. The guaranty shall include forfeiture provisions for failure to complete the required activity within the time specified. The guaranty may not be released prior to final inspection which verifies compliance with this chapter. No partial releases may be made. In the event that the guarantor fails to perform or complete the required activity, the county may use the guaranty to complete the work.

(2004 Code, § 105-12) (Ord. 04-03, passed 4-1-2004)

§ 53.23 ENFORCEMENT.

(A) Whenever the county finds that a person has violated this chapter, the county shall issue a notice of violation.

(B) If abatement of a violation or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration shall be completed. The notice shall state that, should the violator fail to remediate or restore within the established deadline, the work will be contracted for completion by the county and the costs shall be charged to the violator.

(C) If a person has violated or continues to violate the provisions of this chapter, the county may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(2004 Code, § 105-13) (Ord. 04-03, passed 4-1-2004)

§ 53.24 APPEALS.

(A) Any person aggrieved by issuance of a written notice of violation of this chapter may appeal the action to the County Commissioners or a Board of Appeals appointed by the County Commissioners, which shall hold a hearing on the appeal.

(B) The appeal shall:

(1) Be filed in writing within 30 days of the date of written transmittal of the final decision or determination to the applicant, or notice of violation; and

(2) State clearly the grounds on which the appeal is based.

(C) Appeal fees:

(1) The appellant shall pay a nonrefundable filing fee as determined by the county; and

(2) The appellant shall pay all costs of the appeal as assessed by the County Commissioners or Board of Appeals.

(2004 Code, § 105-14) (Ord. 04-03, passed 4-1-2004)