

To: City of Hyattsville Mayor and City Council
From: Hyattsville Environment Committee
Date: July 13, 2021
RE: Construction and Water Management

Problem Summary: There have been documented instances in the recent past of severe runoff and sediment water pollution in Hyattsville originating from active construction sites within or near the city limits. In 2020, at least six rain storms caused significant sediment pollution flows from active construction sites, where contractors exposed large areas of highly erodible soils. This situation resulted in sediment flooding local streets and residents' yards on multiple occasions, and resulted in sediment pollution of the Northwest Branch of the Anacostia River.

In these cases, the pollution incidents were reported to the county, but remedy was not forthcoming because officials with Prince George's County found no violations at the construction sites. This outcome means that 1) current county rules and requirements are not adequate to curb point source pollution from construction sites in Hyattsville, 2) current county inspectors are not adequately inspecting or enforcing existing rules to prevent point source pollution from construction sites in Hyattsville, or 3) some combination of these two scenarios.

It is clear that action must be taken to address the issue of stormwater management on construction sites because the status quo is leading to regular, uncorrected pollution events. The lack of effective policy to address these issues is problematic for the City, its residents, and Maryland natural resources. The most worrisome aspect of this issue, based on responses from county code enforcement personnel in separate polluting incidents, is that the construction companies are abiding by County laws. If this is, in fact, the case, current standards and policy must be changed to account for new patterns of rainfall.

Action Recommended: The Hyattsville Environment Committee recommends that the City of Hyattsville send a letter to the County Council and County Executive urging the County to:

- 1) Review existing county rules and requirements that are intended to prevent soil erosion and sediment pollution from construction sites within Hyattsville, and other municipalities, to ensure that they are adequate to protect city infrastructure, waterways, and private property. This review should consider the following: new technologies and current industry best practices for erosion control; new technologies and current best practices for stormwater management on construction sites in urban settings; and current/projected rainfall patterns given multiple climate change scenarios.
- 2) Upon findings of the review, update all relevant rules, requirements, and regulations to prevent erosion and point source sediment/chemical pollution from construction sites. An update should incorporate scientifically documented/projected rainfall loads and patterns consistent with current and future potential climate change contexts.
- 3) Conduct regular quality assurance/quality control assessments of current site inspection and enforcement processes. These assessments should evaluate the qualifications of

staff to inspect construction sites and the efficacy of the inspection/enforcement process for identifying, preventing, or citing violations and/or pollution events.

- 4) Amend relevant laws to authorize and empower municipal agencies to enforce relevant county laws when stormwater management fails on county-permitted construction sites within municipalities. Under the current system, when a heavy storm causes flooding and/or sediment flows, the City (DPW) generally assesses the situation then, when appropriate, reports it to the County. Allowing municipal agencies to enforce relevant county laws would maximize efficiency in addressing local problems more quickly during high rainfall events.
- 5) Adjust county application and permitting processes to meaningfully incorporate feedback from relevant municipalities on construction sites and development plans, to ensure that county-sanctioned activities are consistent with municipal interests, policy, and law. Municipalities should have the opportunity to recommend or impose permit conditions designed to comply with municipal ordinances and codes, as well as to request implementation standards that protect private property, local streams, and wetlands from erosion, flooding, and sediment pollution.
- 6) Authorize municipalities with the relevant technical expertise and capacity to recommend and/or impose revisions to permits if they fail to adequately protect private property, municipal property, or local natural resources.
- 7) Penalize contractors who fail to comply with relevant laws, regulations and permits, and increase applicable penalties related to ineffective stormwater management in construction sites. Consider barring contractors who are regularly non-compliant, or are compliant but responsible for multiple, documented pollution events, from future contracts or permits for construction activities in Hyattsville.
- 8) Set up a remediation fund to reimburse county residents for expenses incurred from damages to their property from construction-related runoff from county-approved developments.