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Title: Letter to Prince George’s County Executive and County Council Regarding Stormwater Management

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Date	Ver.	Action By	Action	Result
10/4/2021	1	City Council	Approved	Pass

Submitted by: Ben Simasek
Submitting Department: Legislative
Agenda Section: Discussion

Item Title:
Letter to Prince George’s County Executive and County Council Regarding Stormwater Management

Suggested Action:
I move the Council authorize the Mayor to send a letter to the Prince George’s County Executive and County Council regarding stormwater management. The letter should request the eight (8) points detailed in the summary background of this motion.

Summary Background:
Stormwater runoff from construction sites has been a recurring problem in Hyattsville, with multiple heavy rainfall events in the last few years resulting in muddy water, sediment, and debris flowing into City streets, private properties, and ultimately into the Anacostia River. This pollutes our waterways and burdens the City and residents with cleanup costs. The Hyattsville Environment Committee has discussed this and recommended that the City advocate that the County review and update its regulations, if needed, and take measures to ensure stricter enforcement of county code. The letter should include the following eight (8) points.

- 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 (Department of Public Works) 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.

Reference Materials:

[County Code Subtitle 32 - Water Resources Protection and Grading Code](https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIITI17PULOLAPRGECOMA_SUBTITLE_32WAREPRGRCO)
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Next Steps:

Upon Council approval, the letter will be drafted for the Mayor's signature and sent to the appropriate parties.

Fiscal Impact:

N/A

City Administrator Comments:

Recommend Approval. This has been an ongoing problem and these recommendations should help mitigate the

recurring stormwater runoff issues and contractor violations.

Community Engagement:

Hyattsville residents have advocated for City and County officials to ensure stormwater mitigation measures for construction sites adequately prevent runoff, even during periods of intense precipitation. Hyattsville Environment Committee has discussed this in multiple meetings in 2021 and voted unanimously to advocate for this letter.

Strategic Goals:

Goal 3 - Promote a Safe and Vibrant Community

Legal Review Required?

N/A