

O-38-21

Illicit Discharges and Connections – Stormwater

Amendments 1 - 15 - Savidge

Amendment 1:

On page 2 in line 40 strike “FOLLOW” and substitute “FOLLOWS”.

Rationale: This amendment corrects a typo

Amendment 2:

On page 3 strike lines 28 down through 32.

Rationale: The term "field correction notice" is not used in the proposed code, nor is the term "correction notice"; therefore, this text should be stricken.

Amendment 3:

On page 4 strike lines 13 down through 16.

Rationale: The term “indirect illegal discharge” is not used in the EPA's model ordinance nor is it used in the Ordinance/Code; therefore, it should be removed.

Amendment 4:

On page 4 in line 38 after “VARNISHES,” strike “AND” and after “SOLVENTS” in the same line insert “COAL TAR PAVEMENT PRODUCTS” before the “semicolon”.

Rationale: This amendment moves the coal tar pavement product ban to a more appropriate section of the Code.

Amendment 5:

On page 4 strike “ORDINANCES”.

Rationale: This amendment corrects a typo.

Amendment 6:

On page 5 after line 1 insert “ “POLLUTION" MEANS THE CONTAMINATION OR OTHER ALTERATION OF THE PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF ANY WATERS OF THE CITY, INCLUDING CHANGE IN TEMPERATURE, TASTE, COLOR, TURBIDITY, OR ODOR OF THE WATERS, OR THE DISCHARGE OR DEPOSIT OF ANY

ORGANIC MATTER, HARMFUL ORGANISMS, LIQUID, GASEOUS, SOLID, RADIOACTIVE, OR OTHER SUBSTANCE INTO ANY WATERS OF THE CITY THAT WILL RENDER THE WATERS HARMFUL, DETRIMENTAL, OR INJURIOUS TO:

- (a) PUBLIC HEALTH, SAFETY OR WELFARE;
- (b) DOMESTIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, RECREATIONAL, OR OTHER LEGITIMATE BENEFICIAL USES; OR
- (c) LIVESTOCK, WILD ANIMALS, BIRDS, FISH, OR OTHER AQUATIC LIFE.

Rationale: This definition is from Title 26 subtitle 17 chapter 01 in COMAR. The City Code doesn't currently define pollution, while the word "pollution" is used throughout. Furthermore, "pollution" is used in the definition of "pollutant" in this Ordinance, and it's important to define what that means.

Amendment 7:

On page 5 in line 2 after "LOT," insert "ALLEY" followed by a "comma".

Rationale: This amendment adds "alley" to the definition of "premises".

Amendment 8:

On page 5 after line 4 insert " "RECEIVING WATERS" MEANS ANY PERENNIAL, INTERMITTENT, OR EPHEMERAL STREAMS OR TIDAL OR NON-TIDAL WETLAND SYSTEM, OR OTHER WATER RESOURCE IDENTIFIED BY THE AUTHORIZED ENFORCEMENT AGENCY."

Rationale: The term "receiving waters" is included in the definition of "stormwater pollution prevention plan" in this Ordinance, and adding a definition of "receiving waters" will help to strengthen it. This incorporates terms for jurisdictional waterways per MDE and USCOE. I added "Department" to refer to the Department implementing this legislation.

Amendment 9:

On page 6 in line 11 after "WATERING" insert "THAT IS COMPLIANT WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS."

Amendment 10:

On page 6 in line 18 after "POLLUTANTS." insert "SUCH DISCHARGES SHALL ONLY BE EXEMPTED IF THEY OTHERWISE COMPLY, AS APPLICABLE, WITH CHAPTER 17.08 AND OTHER CITY CODE PROVISIONS REGULATING STORMWATER OR THE ENVIRONMENTS, AND ANY APPLICABLE FEDERAL OR STATE PESTICIDE REGULATIONS."

Rationale: This amendment clarifies that even with these exemptions, these discharges still need to comply with our other regulatory requirements.

Amendment 11:

On page 6 in line 15 strike “EPAWASHING” and substitute “WASHING”.

Rationale: This amendment corrects a typo.

Amendment 12:

On page 9 in line 31 strike “COMPLIANCE” and substitute “COMPLIANT”.

Rationale: This amendment corrects a typo.

Amendment 13:

On page 11 after line 7 insert “C. **FINES AND PENALTIES.** A PERSON WHO VIOLATES THIS CHAPTER MAY BE SUBJECT TO PENALTIES AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.”

Amendment 14:

On page 12 in line 17 after “OF” insert “OR IN ADDITION TO”.

Rationale: This amendment makes it clear that compensatory actions can be required in addition to standard penalties/fines, if so desired by the enforcement agency.

Amendment 15:

The FY2023 Fees Schedule should be amended to include the Fees and Fines associated with this Legislation.