

1 **..Title**

2 **An Emergency Declaration Concerning Pollution Discharges** - For the purpose of declaring
3 that any amount of pollution, including but not limited to, sediment, muddy water, cloudy water,
4 turbid water, that is discharged from a construction site is unacceptable and clearly prohibited
5 under the Annapolis City Code and the Maryland Department of the Environment (MDE) sediment
6 and erosion control standards and regulations; and affirming the imposition of stricter enforcement
7 for violations of the City Code and the MDE sediment and erosion control standards and
8 regulations.

9 **..Body**

10 **CITY COUNCIL OF THE**
11 **City of Annapolis**

12
13 **Resolution 7-22**

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15 **Introduced by: Alderman Savidge**

16 **Co-sponsored by: Alderwoman Tierney, Alderman Arnett,**
17 **Alderman Schandelmeier, Alderwoman O'Neill**

18
19 **A RESOLUTION** concerning

20
21 **An Emergency Declaration Concerning Pollution Discharges**

22
23 **FOR** the purpose of declaring that any amount of pollution, including but not limited to,
24 sediment, muddy water, cloudy water, turbid water, that is discharged from a construction
25 site is unacceptable and clearly prohibited under the Annapolis City Code and the Maryland
26 Department of the Environment (MDE) sediment and erosion control standards and
27 regulations; and affirming the imposition of stricter enforcement for violations of the City
28 Code and the MDE sediment and erosion control standards and regulations.

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30
31 **WHEREAS,** The State of Maryland and the City of Annapolis regulate sediment because it is a
32 pollutant that carries nutrients, which causes dead zones in waterways, kills aquatic
33 vegetation, stresses wildlife and oysters, and negatively warms up waterways; and

34
35 **WHEREAS,** Quiet Waters Park is a prized public park that is enjoyed by the Annapolis
36 Community and, therefore, must be protected from pollution by application of the
37 City Code, Chapter 17.08, the main purpose of which is to prevent pollution of City
38 waterways; and

39
40 **WHEREAS,** City Code Sections 17.08.010 and 17.08.180 manifestly state that “any [sediment]
41 pollutant entering our waterways is a violation of this Chapter”; and
42

1 **WHEREAS,** On or about December 13, 2020, a discharge of sediment pollution left the Parkside
2 Preserve development site in Annapolis, which was caused by Reliable Contracting
3 Company, Inc.’s failure to adhere to City Code standards; and
4

5
6 **WHEREAS,** On or about July 15, 2021, a second preventable discharge of sediment pollution
7 entered into non-tidal wetlands near Quiet Waters Park, which was caused by
8 Reliable Contracting Company, Inc.’s failure to adhere to City Code standards at
9 the Parkside Preserve development site; and
10

11 **WHEREAS,** On or about September 26, 2021, a third preventable discharge of sediment
12 pollution entered into an ephemeral stream leading into Quiet Waters Park, that was
13 again caused by Reliable Contracting Company, Inc.’s failure to adhere to City
14 Code standards at the Parkside Preserve development site; and
15

16 **WHEREAS,** In its October 7, 2021 report, the MDE confirmed that there were numerous
17 violations and unauthorized discharges of sediment pollution at that site; and
18

19 **WHEREAS,** On January 17, 2022, a fourth preventable discharge of sediment pollution entered
20 into an ephemeral stream that drained into the forest at Quiet Waters Park, which
21 was again caused by Reliable Contracting Company, Inc.’s failure to adhere to City
22 Code standards at the Parkside Preserve development site; and
23

24 **WHEREAS,** To date, there have been more than thirty inspections conducted at the Parkside
25 Preserve development site where the City has found that the site was not in full
26 compliance with sediment control standards; and
27

28 **WHEREAS,** The repeat aforementioned violations of the City Code, which have cumulatively
29 caused severe damage to the fragile ecosystem, have been well-documented by
30 Public Works inspectors, the Arundel Rivers Federation, and a multitude of City
31 and County residents; and
32

33 **WHEREAS,** City Code Chapter 17.08 allows the City to issue fines and stop work orders at “any
34 step in the enforcement process [and] at any time, depending on the severity of the
35 violation” and Section 17.08.120 specifically allows the Director of Public Works
36 to “suspend or revoke” any permits for “any violation of this chapter or rules and
37 regulations”; and
38

39 **WHEREAS,** Reliable Contracting Company, Inc., on multiple occasions, has not adhered to City
40 traffic control safety standards, paving standards, noise requirements, dust control
41 standards, and working hours limitations, which violations have also been
42 documented by many City residents, especially by those residing in Ward 7 who
43 have been the most impacted; and
44

45 **WHEREAS,** Since 2016 through the end of 2019 the Department of Public Works, the City’s
46 pollution violation enforcement agency, has issued ONE stop work order per year,

1 which is in stark contrast to that agency's enforcement protocol during 2012 and
2 2013 when it issued 24 and 18 stop work orders respectively.

3
4 **NOW, THEREFORE,**

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6 **BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the following enforcement
7 standards shall be strictly adhered to:

- 8
- 9 1. A stop work order shall immediately be issued on any project that has an off-site
10 discharge of pollution where the site was not 100% in compliance with the standards in
11 Chapter 17.08 or the MDE sediment and erosion control standards and regulations.
 - 12 2. A stop work order shall immediately be issued if any orders given by the City inspectors
13 are not adhered to, or if a deadline for compliance is not met by the contractor, no matter
14 the severity of the correction.
 - 15 3. Stop work orders are an effective enforcement tool that shall be issued for Code violations
16 to establish a clear message that pollution prevention work must be a priority for any
17 contractor.
 - 18 4. If an inspection finds a site to be out of compliance with any of the provisions in Chapter
19 17.08 or MDE Standards, it is then considered to be a failed inspection.
 - 20 5. Depending on the severity of the violation, multiple and daily fines shall be issued for
21 any off-site discharges of pollution or failure to keep a site in compliance with the
22 sediment control standards in Title 17 and the MDE sediment and erosion control
23 standards and regulations.
 - 24 6. Photographs and videos submitted by the general public shall be accepted by the City and
25 used to assist in enforcement activities, even in instances where an Inspector did not
26 observe the violation when it occurred.
 - 27 7. City departments shall implement enforcement actions against Code violations despite
28 the risk of being challenged in court, because City Code Section 17.08.010 provides that
29 the Code "shall be construed liberally to accomplish [pollution prevention] purposes".
 - 30 8. Pursuant to City Code Sections 1.08.22.E, 17.08.260.A, and 17.08.260.E.2, when
31 violations or deficiencies are observed at a site, a field correction notice shall be issued
32 detailing the required corrective action(s). This shall include providing the "ways and
33 means" of correcting those deficiencies or violations if needed to achieve rapid
34 compliance or avoid pollution.
 - 35 9. Field correction notices should require corrections within 24 hours. If a longer period is
36 needed for corrections, this must be reviewed and approved by the Director and posted
37 on eTrakit.
 - 38 10. If three or more instances of off-site pollution occur, where such discharges were
39 compounded by negligence on the part of a contractor at a site that was not in 100%
40 compliance with State and City Code requirements, involving a contractor that has
41 continually failed to meet the standards after being issued field correction notices, and
42 thus is a threat to public safety and the environment, then the grading permit shall be
43 immediately suspended or revoked pursuant to City Code Section 17.08.120 and a
44 complete review by the Department shall be conducted, as is currently required by the
45 City Code, during which time the general public will be allowed to provide comments on

- 1 any such suspension or revocation prior to the reinstatement of any permits or
2 authorization to resume work at the site.
3 11. If a permit is suspended or revoked, an agreement shall be drafted with the existing or
4 replacement contractor to ensure that all applicable standards and regulations are met,
5 and that a third-party inspector conducts inspections of the site on a daily basis.
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8 **EXPLANATION**

9 Underlining indicates matter added.
10 [~~Strikethrough~~] indicates matter stricken

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