



Legislation Text

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Application of the City of Annapolis Stormwater Regulations - For the purpose of expressing the desire of the City Council that the City apply more than the minimum stated in our stormwater code in accordance with this resolution.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 46-18

**Introduced by: Alderman Arnett, Alderman Savidge, Alderwoman Henson,
Alderwoman Tierney, Alderman Rodriguez and Alderwoman Pindell Charles**

A RESOLUTION concerning

Application of the City of Annapolis Stormwater Regulations

FOR, the purpose of expressing the desire of the City Council that the City apply more than the minimum stated in our stormwater code in accordance with this resolution.

WHEREAS, the 2000 Maryland Stormwater Design Manual is the official guide for stormwater management principles, methods, and practices in Maryland. The Design Manual was originally published in October 2000, and was revised in May 2009; and

WHEREAS, all local jurisdictions in the State of Maryland are required to have stormwater management (SWM) laws that are consistent with State SWM regulations and are approved by the Maryland Department of the Environment (MDE). The result is that SWM regulations have only minor variations from jurisdiction to jurisdiction, with most of those being where a particular jurisdiction has chosen to be more restrictive than MDE recommends. The Annapolis SWM regulations are codified as Chapter 17.10 in the Annapolis City Code; and

WHEREAS, on December 29, 2010, the U.S. Environmental Protection Agency (EPA) established the Chesapeake Bay Total Maximum Daily Load (TMDL). The TMDL is a historic and comprehensive "pollution diet" to restore clean water in the Chesapeake Bay and the region's streams, creeks, and rivers (U.S. EPA). In order to meet the US EPA Chesapeake Bay TMDLs, the Maryland Department of the Environment (MDE) is expected to issue a new Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit. The Phase II General Permits are required for municipalities with populations between 1,000 and 100,000. This new Phase II General Permit will require the City of Annapolis (the City) to meet the Chesapeake Bay TMDLs for total nitrogen, total phosphorus, and total suspended solids. This upcoming Phase II permit is also expected to require treatment of 20 percent of impervious surfaces in the City by 2025; and

WHEREAS, funding is needed to Comply with the Upcoming NPDES MS4 Phase II and Chesapeake Bay TMDL Requirements and the Cost to Implement BMP Projects through 2025; and

WHEREAS, it is prudent to request Private Development to optimize their SWM implementation and to exceed the minimum to reduce exposure of increasing Stormwater Fee to finance the aforementioned installations; and

WHEREAS, the Severn River, Spa River, and all the Creeks of Annapolis are considered “impaired” waterways by the EPA because of excessive levels of contaminants, largely a result of untreated stormwater runoff; and,

WHEREAS, Maryland passed the Stormwater Management Act of 2007 and Annapolis adopted its own local Stormwater Management Code in 2008 to comply with the State Code; and,

WHEREAS, the aforementioned stormwater regulations require that redevelopment must at minimum reduce a site’s impervious surfaces by 50% or treat the same percentage of stormwater, with new development required at minimum to treat 100% of a site’s stormwater; and,

WHEREAS, the Maryland and Annapolis stormwater codes set a minimum level of enforcement with the ability to be more aggressive if there is sufficient cause, including but not limited to “water quality problems”; and,

WHEREAS, Maryland Code section 26.17.02.06 states that *“An approving agency may require more than the minimum control requirements specified in this regulation if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project,”*; and,

WHEREAS, Annapolis City code section 17.10.080.A.3 states that *“The Director of the Department of Public Works may require more than the minimum control requirements specified in this section if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project,”*; and,

WHEREAS, the aforementioned sections of code included these provisions with the intention of giving jurisdictions flexibility when it comes to improving their water quality; and,

WHEREAS, Annapolis has rarely if ever utilized this provision of our code, which was written in to be used; and,

WHEREAS, Annapolis is considered a “phase II” jurisdiction that has been mandated to treat 20% of our impervious surfaces by 2025 by the Maryland Department of the Environment; and,

WHEREAS, the estimated programmatic costs for Annapolis to meet the aforementioned mandate exceeds \$20 million; and,

WHEREAS, exceeding the minimum level of stormwater management required in the code would help the City to meet our TMDL mandate; and,

WHEREAS, the 2009 Annapolis Comprehensive Plan Environment goal #1 states is to *“Reduce the polluting effects of*

stormwater runoff into the Chesapeake Bay and its tributaries”, and policy 1.1 states “The City should seek to reduce pollutant loading from stormwater runoff to levels equivalent to a 10 percent reduction in the impervious surface”.

NOW, THEREFORE,

BE IT RESOLVED THAT THE ANNAPOLIS CITY COUNCIL expresses its desire that City Code 17.10.080.A.3 be utilized, as written, to require all redevelopment and new development applications TO MEET MORE THAN THE MINIMUM CONTROL REQUIREMENTS, INCLUDING USING A REDUCTION OF IMPERVIOUS SURFACE AND/OR STORMWATER PRACTICE IMPLEMENTATION FOR AT LEAST 75% OF THE SITE FOR REDEVELOPMENT AND 125% FOR NEW DEVELOPMENT PROJECTS OR TO MAXIMUM EXTENT PRACTICABLE. ~~exempting those involving at maximum one single family dwelling, to treat more than the minimum Stormwater, to allow us to better meet our TMDL mandate and improve our water quality, utilizing at least 100% for redevelopment and 150% for new development,~~

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL desires that this standard be applied to projects that have already submitted development applications to the City that ~~do not have approved Stormwater management plans~~ HAVE NOT SUBMITTED A GRADING PERMIT APPLICATION as of the effective date of this resolution,

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this resolution shall take effect from the date of its passage.

EXPLANATION

Uppercase indicates matter added to existing law.
[Strikethrough] indicates matter stricken from existing law.
Double underlining indicates amendments.