

## Sayers, Margery

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**From:** DIANE BUTLER <politicodiane@msn.com>  
**Sent:** Monday, April 1, 2019 10:18 AM  
**To:** CouncilMail; Ball, Calvin B  
**Subject:** CB10

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After the work session for this bill, I have a few comments.

In the PURPOSE section 18.500 Line 19 says "drainage systems or waterways, to REQUIRE the repair and maintenance of privately owned storm drainage facilities (instead of PROVIDE for ...) which is a huge difference.

This ambiguity depends on the mood of the enforcement official of the day. There is a big difference in "provide for" and Require. I understand the need for access, but the verbiage in the bill needs to be very clear about "illegal discharge" versus "storm water discharge from sump pumps" and also about "illicit connections".

In the Definitions section 18.501 the new section F: Illicit connection means either:

#1 You have quoted 18.502 in this section, but 18.502 needs clarification of "uncontaminated pumped groundwater" to include sumps pumps, that are put directly into the county system.

#2 A drain or conveyance connected to a public storm drainage facility or waterway which has not been documented in a plan, map, or equivalent record and approved by the department. YOU NEED TO ADD "WHICH ALLOWS AN ILLEGAL DISCHARGE", not just plain old stormwater. You need to be very clear about this as many of the old neighborhood homes have sumps for stormwater management that connect private systems directly to public systems, and this language does not cut it.

(And seriously, the county has lost so many of their records that this CANNOT come back on the homeowner). At the work session the county guy was saying that they will not go after these homeowners that have storm water management pumps, just illicit discharge to clean out equipment using normal practice and common sense, but the law supercedes this, and it needs to say that right in the law. That they will not be coming after homeowners for storm water. Currently, it says the opposite.

The language is specific in the bill about easements, etc. yet the county allowed the easement on my property to be placed "not where the pipes are, but along the edge of the property". This is the county's fault, not mine. Your "cleaning up" language in this bill makes my property illegal, in more than one aspect.

Frankly, Dunloggin is way older than Columbia, and has not had a storm water infrastructure upgrade in 60 years. Cost sharing is an insult. Do the stormwater upgrades that need to be done for the homeowners. We have paid taxes for many years. This bill makes the homeowner liable since the county hasn't done the specific storm drain management in 60 years. I am hoping the Ben Cardin's Army Corp of Engineer's plan will come up with some real fixes for this watershed. I am tired of living in swamp. But, if you cut off my ability to move the

sump water (county ordered, and developer built) away from my home, this water will be in my basement and once a house is wet inside, it is never the same.

The letter of the law needs to match the intent of the law.

Thanks,  
Diane Butler  
410-461-0066

PS Please let me know your thoughts, or if you need any clarification. I have worked on many of the committees the county has had for this including the APFO, the RT 40 committee, and the infill committees. My daughter also worked on the READY program and the county WAS THE WORST AT MAINTAINING THEIR RAIN GARDEN systems that were built for them, over the years.



6310 Hillside Court, Suite 100  
Columbia, Maryland 21046-1070  
ColumbiaAssociation.org

March 29, 2019

The Honorable Christiana Mercer Rigby  
Chairperson, Howard County Council  
George Howard Building  
3430 Courthouse Drive  
Ellicott City, MD 21043

Re: Council Bill No. 10-2019

Dear Ms. Rigby:

The Columbia Association (CA) maintains more than 4,000 acres of open space. This includes more than 95 miles of pathways and sidewalks for walking, biking and jogging; 165 tot lots; 284 footbridges; three man-made lakes; 41 man-made ponds; 34 miles of stream valleys; over 150 stormwater facilities; the 11-acre Symphony Woods; Wilde Lake Park; and the Lake Elkhorn Park and Pavilion. CA's open space also includes an extensive network of pedestrian underpasses and overpasses, meadows, forestland, basketball courts, public tennis courts, Town Center and village center plazas located throughout the community. Most of open space is in Columbia's stream valleys and surrounds 34 miles of streams.

CA supports the overall intent of CB 10-2019, which will help to reduce flooding emergencies and help eliminate pollution of our waterways. However, CA is concerned that as currently written, CB 10-2019 does not address or acknowledge the existing easements that already grant the County Right of Entry. CA agrees that timing could be critical when faced with the prediction of a large rain event and reports of large amounts of debris in a drainage way. Searching records to find plats that show easements and locating the deed that dedicates the easement can take days. However, the easements were granted and accepted by Howard County with the intent that Howard County will use them as necessary and the understanding that Howard County will comply with their terms. Howard County should know where it has existing drainage easements and which ones are dedicated. Where it does not already have a Right of Entry, this bill resolves the problem and gives the County a Right of Entry until it has accepted an easement. Where an easement already exists, however, the County's right of entry should be governed by that document.

For these reasons, CA respectfully requests that CB 10-2019 Section 18.503 (c) line 20, be amended to say that "*WHERE A DEDICATED EASEMENT GRANTING THE RIGHT TO ENTER IS NOT ALREADY IN PLACE, UPON PROVIDING PROOF OF IDENTITY PRIOR TO ENTRY, . . . .*"

Respectfully submitted,

  
Milton W. Matthews  
President/CEO



HOWARD COUNTY COUNCIL  
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