



# **PUBLIC WORKS COMMITTEE MEETING**

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**MONDAY, AUGUST 3, 2020 | 6 PM**

**2nd Committee Meeting**

The Committee will meet in the Mauldin City Hall at 5 East Butler Road in the Upstairs Conference Room at 6 p.m.

Please note that members of the public may attend this meeting in-person, but are encouraged to participate remotely. The meeting will be available remotely through Webex. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing. You may also email comments about specific items on the agenda to City Clerk Cindy Miller at [cmiller@mauldincitysc.com](mailto:cmiller@mauldincitysc.com). Comments emailed about specific agenda items prior to 6:00 p.m. on Monday, August 3, 2020 will be read during the Public Comment segment of the meeting.

# AGENDA

1. Call to Order Jason Kraeling, Chair
2. Public Comment
3. Reading and Approval of Minutes
  - a. Public Works Committee Meeting: July 6, 2020 (Pages 3-6)
4. Reports or Communications from City Officers
  - a. Department Reports
    - Public Works Director Matthew Fleahman
    - Budget Review
5. Unfinished Business Jason Kraeling, Chair
6. New Business
  - a. Stormwater policy (Pages 7-16)
7. Public Comment
8. Committee Concerns
9. Adjourn

Minutes  
PW Committee  
Monday, July 6, 2020  
6:00 p.m.  
5<sup>th</sup> committee meeting

Members present were Acting Chairman Mayor Merritt, Committee members Michael Reynolds and Carol King. Public Works Director Matt Fleahman was present along with Brandon Madden, City Administrator.

1. Call to Order- Chairman Merritt
2. Public Comment- None
3. Reading and Approval of Minutes
  - a. Public Works Committee Meeting: June 1,2020  
Councilwoman King made a motion to approve the minutes as submitted with Councilman Reynolds seconding. The vote was unanimous (3-0).
4. Reports or Communications from City Officers
  - a. Department Reports  
Public Works Director Matt Fleahman  
Budget Review
5. Unfinished Business- None
6. New Business- Chairman Terry Merritt
  - a. Request from Bent Brook Town Houses to amend Sanitation ordinance 34-5

The City of Mauldin modified its Solid Waste Ordinance in 2008 in order to eliminate dumpster pickup by the Sanitation Department. At that time, the City provided service to approximately 12 customers. Bent Brook Town Houses was one of the 12 customers. The City provided a 30-day notice to the customers to seek out a new service provider.

Bent Brook HOA president MJ Seeche requested a 90-day extension to this deadline. No action was taken, and dumpster pick up continued for free for five years.

In December of 2013, Public Works Director Michael Lambert identified this oversight and moved forward on behalf of the City to rectify the issue. The dumpster was removed, and Bent Brook Town Houses was told to purchase nine (9) cans. Mr. Seeche on behalf of the HOA argued against paying; however, he eventually conceded and purchased the cans in two payment installments.

Bent Brook Town Homes has subsequently purchased two (2) additional cans and stores all of them inside a wooden dumpster shelter at the rear of the property. This issue is now coming to council because residents at the Bent Brook Town Homes have been disposing of loose hypodermic needles which have been falling out of the cans when the truck dumps them. These needles are a violation of the Solid Waste Ordinance and a potential hazard to our City employees. When the violation was brought to the HOA, MJ Seeche became combative to both the Sanitation Supervisor and the City's Code Enforcement Officer. This escalation engaged the Public Works Director's involvement, which then identified the current violations of the City of Mauldin's Solid Waste Ordinance.

In accordance with Sanitation Ordinance 34-5 (d), "All garbage and refuse receptacles must be brought to the public street curb or ditch line adjacent to a driveway on the designated day. Receptacles not so located when the city truck services the street shall not be emptied." Bent Brook Town Houses is not set up like other Town Houses in the City, and only has one entrance off Miller Road. Additionally, the setup of the townhomes is such that there is not space for each townhome to have its own trash can. To empty cans, the City trash truck is required to back into the property and all the way to the backside of the parking lot, in order to retrieve the cans in the dumpster storage area. This current pick up method is in violation of the City Ordinance.

While Bent Brook Town Houses has a dumpster area on the back side of the private property, they have been dumping bulk items along Miller Road in the Right-of-Way. During negotiations with the HOA, Public Works has recommended that bulk items be placed in the dumpster area. Bent Brook Town Houses has agreed to expand the dumpster area within six (6) months to include a bulk item area if the Solid Waste Ordinance variance is approved.

If City Council approves the variance, trash pick-up will continue from the dumpster area on private property effective immediately. If the variance is not approved, the HOA will be required to line up the cans along Miller Road for curb-side pick-up, beginning the next trash day (Tuesday) after the variance denial.

Staff makes no recommendation on the issue, both stopping and backing in from Miller Road as well as stopping and dumping cans along Miller Road present risks to City employees and equipment.

Councilwoman King said we are following our ordinance and do not need to treat anyone differently. Councilwoman King made a motion to continue to follow the city ordinance. Councilman Reynolds seconded the motion. The vote was unanimous (3-0).

Mayor Merritt asked if the one-armed bandit would be able to get back to the dumpsters. Mr. Fleahman said it is hit or miss whether you can pull in and turn around. If you go in the morning, everyone is still home, and the cars are in the parking spaces. There is room to line up the cans on the sidewalk and that is what our ordinance calls for. The options are either the cans are moved to where our trucks can pick them up or the townhome owners could contract with a private service that would pick up the dumpsters.

Mayor Merritt asked if there was anything in our ordinance about proper disposal of needles. Mr. Fleahman said we do not dispose of those.

There is no other action that needs to be taken.

7. Public Comment- None

8. Committee Concerns-

Councilwoman King asked about the stormwater committee. She asked if there would be City staff and City resources involved or would it just be residents? Mayor Merritt said it is a citizens' group of maybe 12 people. There is a gentleman who lives in Knollwood that has years of stormwater experience and he has agreed to participate in the group. Government agency representatives from DHEC, County stormwater, or Army Corps of Engineers would be invited. City staff will participate if needed. The idea is to quantify the challenges, where the City and County stands, and what the residents would like to see us do. That group would then come to

Council with issues and suggestions of what may be done. Councilwoman King thanked Mr. Merritt for the explanation. She did not want to see staff bogged down in another monthly meeting.

9. Adjourn- Mayor Merritt adjourned the meeting.

Respectfully Submitted,  
Cindy Miller  
Municipal Clerk

# PUBLIC WORKS COMMITTEE

## AGENDA ITEM

MEETING DATE: August 3, 2020  
AGENDA ITEM: 6a

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TO: Public Works Committee  
FROM: City Administrator Brandon Madden  
SUBJECT: Storm Water Policy

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### REQUEST

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As requested by City Council following its April 29, 2020 Storm Water Works Session, staff developed a draft storm water policy for Council's consideration. The Public Works Committee is requested to recommend to City Council approval of storm water policy.

### HISTORY/BACKGROUND

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The Clean Water Act (1972), amended in 1977 and 1987, sets water quality standards, handles enforcement, and helps state and local governments develop their own pollution control plans. The National Pollutant Discharge Elimination System (NPDES) permit program, created by the Clean Water Act (CWA), helps address water pollution by regulating sources that discharge pollutants to waters of the US.

Under the CWA, the EPA (Environmental Protection Agency) provides oversight of the NPDES permits program. The NPDES permits are provided to state, tribal, and territorial governments, enabling them to perform many of the permitting, administrative, and enforcement aspects of the NPDES program. The NPDES program includes the following areas:

- Stormwater Discharges from Construction Activities
- Stormwater Discharges from Industrial Activities
- Stormwater Discharges from Municipal Sources
- Stormwater Discharges from Transportation Sources
- Oil and Gas Stormwater Permitting
- EPA's Residual Designation Authority
- Stormwater Maintenance
- Long-Term Stormwater Planning

An NPDES permit is typically a license for a facility to discharge a specified amount of a pollutant into a receiving water under certain conditions. The two basic types of NPDES permits issued are individual and general permits.

- An individual permit is a permit specifically tailored to an individual facility. Once a facility submits the appropriate application(s), the permitting authority develops a permit for that particular facility based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). The authority issues the permit to the facility for a specific time period (not to exceed five years) with a requirement that the facility reapply prior to the expiration date.
- A general permit covers a group of dischargers with similar qualities within a given geographical location. General permits may offer a cost-effective option for permitting agencies because of the large number of facilities that can be covered under a single permit.

As it relates to stormwater discharges from municipal sources, polluted stormwater runoff is commonly transported through municipal separate storm sewer systems (MS4s), and then often discharged, untreated, into local water bodies.

An MS4 is a conveyance or system of conveyances that is:

- owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.,
- designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches),
- not a combined sewer, and
- not part of a sewage treatment plant, or publicly owned treatment works (POTW).

For these conveyances or system of conveyances to be recognized as an MS4, a state, city, town, village, or other public entity must own them. These conveyances must also not be part of a Publicly Owned Treatment Works and may not operate as a combined sewer.

To prevent harmful pollutants from being washed or dumped into MS4s, certain operators are required to obtain NPDES permits and develop stormwater management programs (SWMPs). The SWMP describes the stormwater control practices that will be implemented consistent with permit requirements to minimize the discharge of pollutants from the sewer system.



## Phase I MS4s

The 1990 Phase I regulation requires medium and large cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.

There are approximately 855 Phase I MS4s covered by 250 Individual Permits

## Phase II MS4s

The 1999 Phase II regulation requires small MS4s in U.S. Census Bureau defined urbanized areas, as well as MS4s designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. Phase II also includes non-traditional MS4s such as public universities, departments of transportation, hospitals and prisons.

Most of the 6,695 Phase II MS4s are covered by statewide General Permits, however some states use individual permits. There are three Watershed Permits that cover 3 Phase I and 40 Phase II MS4s.

Large, medium and regulated small MS4s in South Carolina are required to obtain NPDES permit coverage in order to discharge pollutants into waters of the State. These designations (large, medium, and small) are based on urbanized areas as determined by the latest census as bulleted below:

- Large MS4 - the South Carolina Department of Transportation
- Medium MS4 - City of Columbia, Greenville County, and Richland County
- Small MS4 – 70 regulated systems. The operators of these may choose to receive coverage under a general permit or obtain individual permit coverage

## ANALYSIS or STAFF FINDINGS

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Greenville County is a MS4 permittee under the NPDES permit program. The City of Mauldin, like the cities of Simpsonville, Fountain Inn, and Travelers Rest, is a co-permittee under Greenville County's MS4 permit. As the MS4 permit holder, Greenville County operates a Storm Water Program, which includes the following activities:

- Funding Mechanism for Storm Water Management. Greenville County levies a storm water fee on the properties in the unincorporated areas of the County and the incorporated areas of co-permittees (i.e., cities of Mauldin, Simpsonville, Travelers Rest, and Fountain Inn)
- Preparation of comprehensive watershed master plans for stormwater management

- Annual inspections of all stormwater management facilities, both public and private
- Undertaking regular maintenance, through contracting or other means, of stormwater management structures that have been accepted for maintenance
- Plan review and inspection of sediment control and stormwater management plans and practices
- Retrofitting designated watersheds, through contracting or other means, to reduce existing flooding problems or to improve water quality
- Responsibility for implementing all aspects of the utility including long range planning, plan implementation, capital improvements, maintenance of stormwater facilities, determination of charges, billing, and hearing of appeals and petitions
- Responsibility for providing staff support for utility implementation, including:
  - Certified Plan Reviewer representing the implementing agency
  - Certified Construction Inspector representing the implementing agency
  - Staff for planning; acquisition of interests in land including easements; design and construction of facilities; maintenance of the stormwater system; billing and administration; and water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection, and other activities which are reasonably required

The City of Mauldin (City) only owns, operates, and maintains stormwater facilities within City right of way, properly dedicated easements, or on City-owned property. The attached draft policy is intended to provide guidance for the Public Works Director and those designated by the Public Works Director (i.e. Engineering Services Manager) to make management decisions regarding what type of corrective action to take on the system (e.g., repair or replace). Also, the draft policy references and incorporates the provisions provided in the City's ordinances related to right-of-way and off right-of-way improvements.

#### FISCAL IMPACT

Storm water fees levied on the residential lots in the City are collected by Greenville County. Residential lots pay approximately \$25.65, annually. All non-residential parcels pay an annual storm water utility bill based on the total square footage of impervious surface within the parcel. Approximately 300,000 dollars per year is collected from city residents and business owners.

RECOMMENDATION

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Approval of draft storm water policy

ATTACHMENT

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Draft storm water policy

City of Mauldin Government  
Procedure Manual

Title: Storm Water Policy  
Department: Public Works  
Effective Date: \_\_\_\_\_

I. Purpose

The City of Mauldin (City) only owns, operates, and maintains stormwater facilities within City right of way, properly dedicated easements, or on City-owned property.

This policy is intended to provide guidance for the Public Works Director and those designated by the Public Works Director (i.e. Engineering Services Manager) to make management decisions regarding what type of corrective action to take on the system (e.g., repair or replace).

II. Policy

The City of Mauldin will only make repairs to storm drainage facilities that lie within the City's street rights-of-ways. Storm drainage systems within State road rights-of-way are maintained by the State Department of Transportation (SCDOT). Storm drainage facilities that lie outside the City's rights-of way are considered to be the private property of the owner of the real property on which the facilities are located.

City ordinances prohibit City personnel or equipment from doing maintenance of storm drainage systems across private property. The City will not enter private property to correct or make repairs to storm drainage facilities on private property even if the owner gives the City the express permission to do so. The reason is that once the City makes repairs, the City will have a continuing obligation to maintain the facility. Storm drainage facilities outside the rights-of- way are not deeded or dedicated to the City and therefore the City does not own or maintain them. The City will not accept a dedication of storm water facilities that lie outside of road rights of ways.

The City does not own the pipes, catch basins, etc. nor does the City own the rights-of-way or easements of these systems on private property. It does not matter whether there is a drainage easement across the property or not. This is not a City-owned easement. Therefore, it is the responsibility of the property owner to correct any storm drainage issue on their property. Likewise, if the storm drainage issue lies in a common easement managed by a Homeowner's Association, the Homeowner's Association would be responsible for correcting the issue. Developers constructed the **facilities during the subdivision's**

development and any claims about such facilities should be directed to the developer

The City does not perform any creek bank maintenance or stabilization. The City has never maintained creeks, rivers, drainage ditches and the like. These are naturally occurring drainage areas that are subject to erosion during periods of heavy rainfall. Their courses may even change over time. Therefore, individuals owning land on which these drainage areas exist have the responsibility to maintain them. In most instances, such drainage areas are shown on recorded plats of the subdivision or development and exist for the benefit of adjoining landowners. Usually easements are recorded on the plats or restrictive covenants concerning their existence and use.

III. Work on City Right-of-Way and Property

Work may be performed on city rights-of-way or property in the following cases:

- A. Roadside ditches: The City may provide labor, equipment, and cover material to pipe roadside ditches on city roads, provided that the affected property owner provides all necessary pipe, and catch basin materials on the site, but if piping a roadside ditch on a city road or bridge will materially benefit the road or bridge, the City Council may approve provision of the necessary materials at the city's expense.
- B. Driveway entrances: The City may provide and/or install drainage lines at private driveway entrances to facilitate proper roadway drainage, subject to the following conditions:
  - 1. No more than 20 linear feet of pipe 36 inches or less in diameter may be provided per lot.
  - 2. No pipe or structures larger than 36 inches in diameter may be installed by the City. Larger structures installed on a City right-of-way by others require an encroachment permit.
  - 3. As many as two driveway entrances, not over 20 feet in width, will be permitted on each lot, and may be paved from a minimum distance of seven feet to a maximum distance of the right-of-way line, measured from the edge of the roadway and perpendicular to the centerline. No more than 20 feet of pipe may be furnished by the City. Although two driveway entrances are allowed, the City will only provide the materials for one driveway entrance. If a citizen desires a second one, the citizen must pay the cost of the materials, installation and maintenance.
  - 4. No pipe may be furnished, installed or maintained on private roads. Installation of pipe for private roads requires an encroachment permit. Roads being constructed for dedication to the City shall be considered private prior to final acceptance.

IV. Work off City right-of-way and property.

Work may be performed off City rights-of-way or property in the following cases:

- A. Protection of City street or bridge: For correcting a situation detrimental to a City street or bridge which affects the safety of the traveling public. Such work may include, but is not limited to, stream channel improvement and sight distance obstruction removal. Upon specific approval of the City administrator, private driveways may be scraped only to the extent necessary to protect a city or county road within the city limits by channeling water into side ditches and cleaning side ditches. Hold harmless agreements are required for all such types of work.
  
- B. Drainage work off City rights-of-ways and properties: To perform maintenance on dedicated easements, provided that such maintenance will provide for the free flow of surface water to a live stream and/or relieve regional flooding conditions along a live stream. The City may provide labor and equipment to perform maintenance on drainage easements and installation of erosion protection, but the easement, in general, must carry water from public roads or lands or be regional in nature. This work will be accomplished only upon request and approval of all property owners adjacent to the easement and after a properly executed hold harmless agreement, and right of entry agreement, signed by all such owners is filed with the City and accepted for recording. Felled trees may be removed only if impeding the normal flow of water and only if it affects a public interest, public health, or public safety.

No maintenance assistance is offered to any development until completion. After completion of a development project, no such assistance shall be rendered to commercial developments, industrial sites, golf courses, apartment complexes, or mobile home parks, without specific approval of council. A record of each project undertaken is to be maintained in the City Public Works Department and made available upon request. The record is to include manpower and equipment usage.

In the event the work is done by the private property owner, the work must be performed by a licensed, qualified contractor. All work must be inspected during installation and approved by the public works department upon completion and before covering.

1. Types of work:

The following types of drainage assistance may be performed by the City Public Works Department provided it affects a public interest, public health, or public safety:

- a. Machine cleaning of normally dry drainage easements to allow free flow of surface water.
- b. Installation or removal of pipe (labor and equipment only) on normally dry drainage easements. Materials must be furnished by the property owner. All materials furnished including pipe, catch basins, grates and lids must meet City standards.

- c. Installation of large stone or other erosion protection materials (labor and equipment only) on normally dry drainage easements.
- d. Unclogging and repair of pipe systems (labor and equipment only) on normally dry drainage easements.

2. Conditions:

The drainage assistance described above may only be performed under the following conditions:

- a. All requests for off right-of-way drainage assistance must be approved by the Public Works Director.
- b. All affected property owners must execute drainage assistance agreements which shall include an easement with permanent encroachment provisions and a hold harmless agreement. These agreements shall be filed with the public works department.
- c. Drainage assistance may be provided for circumstances involving water which originates from public lands or public rights-of-ways to natural stream beds or drainage systems.
- d. No materials will be furnished by the City for any of the above types of work.
- e. No assistance shall be provided to any development prior to its completion.
- f. No off-right-of-way drainage assistance shall be performed more than once in a 12-month period except under extraordinary circumstances and with the concurrence of the City Administrator.

V. Greenville County Storm Water Program

In 2002, as a federal mandate, the County of Greenville established a storm water program in order to comply with the U.S. Environmental Protection Agency (EPA) Clean Water Act. Programs were created to address water quality issues related to the storm water runoff and to help correct some of the County's worst flooding problems. Greenville County has jurisdiction within the City of Mauldin to enforce this Act.

A. Responsibilities of Property Owners within the City of Mauldin Limits

- 1. Property owners continue to be responsible and accountable for actions that could lead to water quality degradation and flooding issues.
- 2. Property owners are prohibited from attempting to block the natural path of water on their property in any way.
- 3. Property owners should consider the natural drainage path when installing fences and sheds.
- 4. Property owners are prohibited from attempting to divert water from your property onto another property. It is important to keep drainage ditches in your yard free of debris so that

water can drain properly. Yard debris also causes algae blooms which affect water quality.

5. Pursuant to state law, it is the responsibility of property owners with streams on or adjacent to their properties to keep the streams free of debris and fallen trees.
6. Property owners are prohibited from dumping any substances such as dog waste, yard waste, motor oil, antifreeze, or paint into creeks or streams on their property or storm drains in your neighborhood. Streams and storm drains are part of the stormwater system. Dumping items will directly affect the water quality and can result in fines and enforcement actions.
7. Water from a neighboring property should be settled between the property owners.
8. If the water is coming from an entire subdivision, contact Greenville County's Land Development Division (864-467-4610).
9. If you plan on making modifications to your property that may disturb the topsoil or alter drainage patterns, please check with Greenville County Land Development.

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Date

Date Adopted by Mauldin City Council: \_\_\_\_\_