

Education, Health and Environmental Affairs Committee

Stormwater Remediation Fees and Local Implementation Briefing

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Secretary
Maryland Department of the Environment
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1

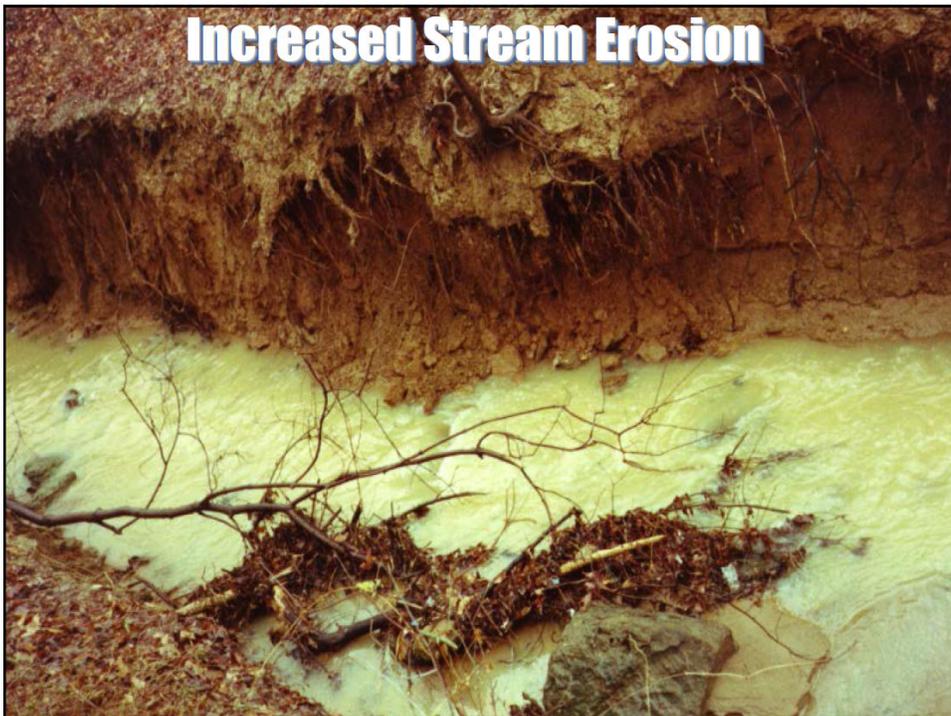
Stormwater
Runoff



Causes
flooding



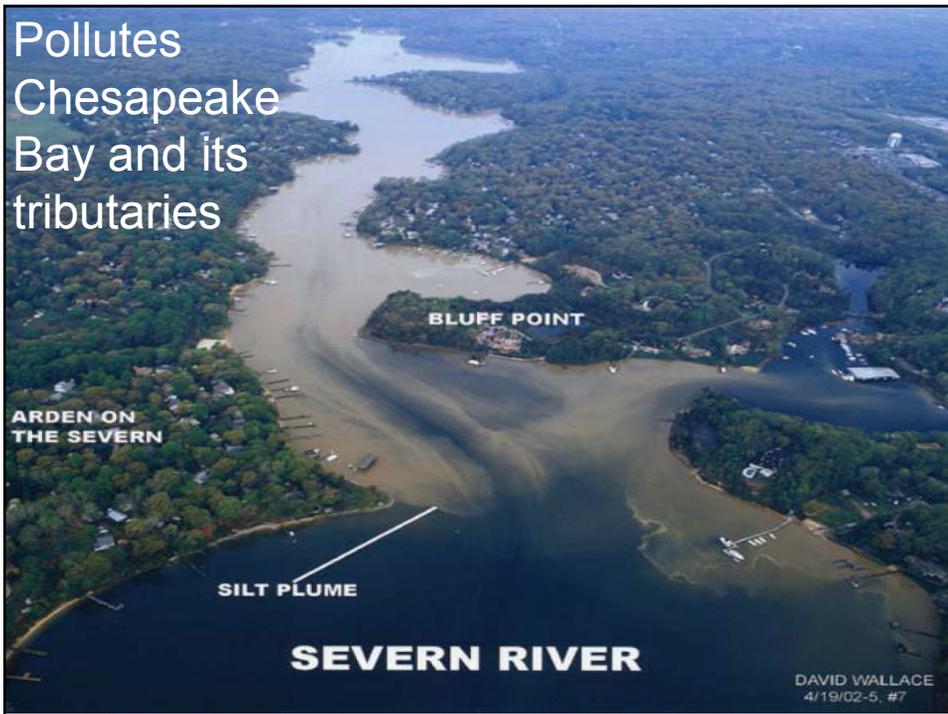
Increased Stream Erosion



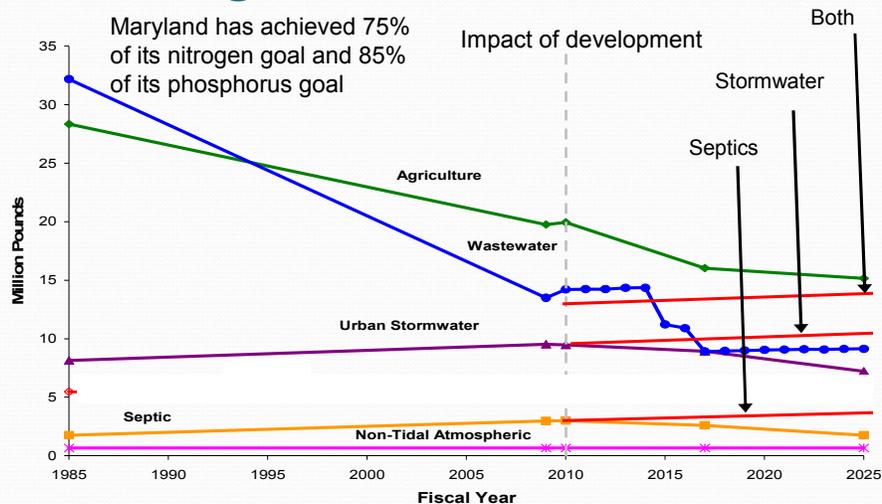
Pollutes our
reservoirs and
drinking water



Pollutes
Chesapeake
Bay and its
tributaries



Nitrogen Reduction Plan



Don't blame the rain

- Clean water is vital to our health, our quality of life and the future of our communities and our families
- Polluted runoff is the largest source of water pollution still on the rise
- Polluted runoff is a local problem with a local solution that produces direct local benefits
- We know how to fix it: by keeping our land clean, preventing erosion, creating green space and buffers to soak up runoff and replacing aging infrastructure
- This law creates a local, dedicated fund to address runoff pollution and provides revenue at a level determined by the jurisdiction.

Chapter 151 – Watershed Protection and Restoration Program

- Signed into law in April 2012
- Effective July 1, 2013
- Must be implemented by Maryland jurisdictions that are subject to federal Clean Water Act , Phase I Municipal Separate Storm Sewer System (MS4) permits

9

10 Phase I MS4 Jurisdictions impacted by the Law

- Anne Arundel County
- Baltimore City
- Baltimore County
- Carroll County
- Charles County
- Frederick County
- Harford County
- Howard County
- Montgomery County
- Prince George's County

10

Key Provisions

- July 1, 2013 deadline to adopt ordinances or laws to establish the program
- The program includes both a fee and a dedicated fund
- The fee must be based on level of stormwater service being provided by jurisdiction, i.e. utility basis of charges
- The amount of the fee is not set by the State
- The method of determining the fee is up to the jurisdiction
- Fee structure must include exemptions for financial hardship and reductions based on level of stormwater treatment being provided on-site or off-site

11

Status

- MDE requested status from each jurisdiction in early August 2013
- All jurisdictions have provided copies of their ordinances
- All jurisdictions adopted ordinances or resolutions to implement HB 987 before July 1, 2013
- Most adopted enabling ordinances and set fees and procedures through administrative action, regulations or executive orders
- Rate structures and exemption procedures have continued to change as jurisdictions make refinements

12

Current Compliance with Chapter 151

- Eight jurisdictions have implemented programs in compliance with the law: Anne Arundel, Baltimore City and County, Charles, Prince Georges, Harford, Howard and Montgomery
- Carroll County passed a resolution adopting Watershed Protection and Restoration Fund, but did not establish a fee in accordance with the new law. Enforcement action (Notice of violation letter) with Carroll County was sent to the county on October 30, 2013
- Frederick County enacted a flat \$0.01 (1 cent) per property fee that is estimated to generate approximately \$427.50 annual for County stormwater programs. A letter from MDE to the County advising them of the inadequacy of this fee was sent on October 30, 2013

13

Single Residential (ERU) Example

Philadelphia, PA - \$162/yr -- Norfolk, VA \$97/yr ¹



¹ Western Kentucky University Stormwater Utility Survey 2012

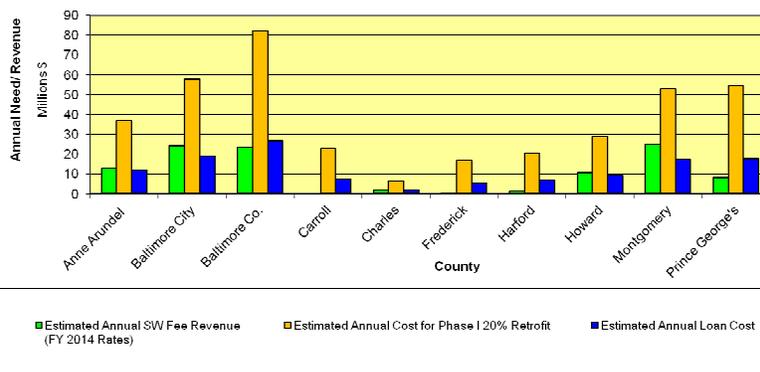
14

Fee Reduction Programs

- **Anne Arundel County:** 50% for property with SW Mgmt meeting State regs.
- **Baltimore City:** 55% for property with SW Mgmt meeting State regs., public participation credits for homeowners
- **Baltimore County:** up to a 74% reduction based on County approved BMPs
- **Charles County:** 50% for property with SW Mgmt meeting State regs.
- **Harford County:** 100% for property with SW Mgmt meeting State regs.
- **Howard County:** 20% residential BMP and 50% non-residential for on-site mgmt. Developing Homeowner BMP Program
- **Montgomery County:** 60% for property with SW Mgmt meeting State regs.
- **Prince George's County:** Up to 100% reduction for County approved BMP installation. Rain Check Rebate program for offsetting cost of installation of practices

15

Stormwater Program Funding Needs



Note: The projected costs for Phase 1 retrofits is based on county historical costs which indicate an average cost of \$61,875 per impervious Acre. Actual implementation costs may be significantly lower as practices are evaluated by the Chesapeake Bay Program's Urban Stormwater Workgroup and incorporated into Maryland's TMDL guidance documents.

16