



Watershed Protection and Restoration Program (WPRP) Stormwater Remediation Fee



**County Commissioner
Work Session on Bill 13-09**

May 21, 2013

WPRP Stormwater Fee

Fee is necessary to fund continuous and ongoing compliance with the County's NPDES Municipal Stormwater Permit, which requires: capital improvements, operations & maintenance, public education, planning, mapping, monitoring, grants to non-profits, and administration

Charles County NPDES Municipal Stormwater Permit # MD0068365 condition:

Part VI.D. Duty to Comply (with the permit)

“Failure to comply with a permit provision constitutes a violation of the Clean Water Act and is grounds for enforcement action; permit termination, revocation, or modification; or denial of a permit renewal application.”

NPDES Stormwater Permit

Not maintaining permit compliance, can result in fines assessed by EPA Region III or MDE, per audit.

Recent EPA Fines Assessed	
Anne Arundel County, MD	\$83,500
Baltimore City, MD	\$90,000
Harford County, MD	\$75,000
Pennsylvania and Virginia localities	\$6,500 - \$156,000

NPDES Municipal Stormwater Permit Part VI. Sanctions

Civil and criminal penalties can be assessed under the Clean Water Act and the State's Environment Article. The County's current permit contains five paragraphs describing these sanctions, ranging from \$2,500-\$50,000 per day and/or up to 3 years imprisonment.

May 7th Work Session

- Should have credit for residential property (chart below)
- Should have credit for agricultural property (chart below)
- Need to review options for fee structure (next slides)

PROPOSED AMENDMENTS

Page/Line	New Text	Reason
Page 7/Line 22	Delete “non-residential” to allow a credit for residential	This will allow a fee credit for residential and non-residential properties (up to 48,000 accounts).
Page 7/Line30	Add “ (2) An agricultural assessed property, covered by a Soil Conservation & Water Quality Plan and approved by the local Soil Conservation District will qualify for a 50% reduction of the stormwater remediation fee.”	This will allow a fee credit for agricultural properties (up to 1,700 accounts).

Fee Structure: Option 1

- Flat fee for each improved property regardless of square feet impervious surface
- Similar to current funding mechanism, Environmental Service Fee, which has a current rate of \$14 per improved property
- Rate increase of \$29 (total \$43) per improved property would be necessary to fund a sufficient budget to meet NPDES stormwater permit requirements

\$43 per Improved Property				
Urban Single Family	Rural Single Family & Agriculture	Townhouse	Residential Condo	Non-Residential
\$43	\$43	\$43	\$43	\$43

Fee Structure: Option 1

PROS	CONS
It's "one size fits all", and thus easy to administer	It's "one size fits all", so all improved properties have the same rate
Eliminates highest fees for properties with more impervious	Properties with large amounts of impervious surface pay the same as properties with less impervious surface
Saves the County significant administrative costs (easy to calculate so fewer errors, fewer appeals, less tracking, and fewer credit applications to manage)	

Fee Structure: Option 2

- Fee based on 500 square feet unit of impervious surface for each property (< 500 sq. ft = no fee)
- Need to determine how often and the method for recalculation to update property fees, based on affordability
- Increases the maximum fee for a portion of the urban, and rural single family, and agricultural properties, while fees in other categories remain similar to Option 3
- Budget would increase due to additional administration

\$5 per 500 square feet unit of impervious surface estimates				
Urban Single Family	Rural Single Family & Agriculture	Townhouse	Residential Condo	Non-Residential
1 – 156 units	1 – 523 units	1 – 3 units	1 – 2 units	1 – 5,268 units

Fee Structure: Option 2

PROS	CONS
It's not "one size fits all" since based on impervious surface	Fees will increase significantly for a portion of residential & agricultural properties
Fee is more directly correlated to stormwater services received	Expensive to track impervious individually for 48,000 accounts, so additional administrative cost would have to be added to fee - limited to aerial photos every 3 years, and errors in photo interpretation
	More chances of manual entry errors on residential accounts, each time a shed, deck, pool, garage, or pavement is modified, which could lower customer satisfaction
	More potential appeals, because up to 48,000 accounts could have concerns that their property was miscalculated

Fee Structure: Option 3

- Graduated fee based on 3,087 square feet of impervious surface of an Equivalent Residential Unit (ERU)
- Impervious surface averaged for each residential property type: urban single family, townhouse, residential condo, rural single family, agricultural
- Impervious surface calculated individually for non-residential properties: commercial, industrial, faith-based, non-profit; minimum of 1 ERU for improved property

\$32 per 3,087 square feet Equivalent Residential Unit (ERU) estimates				
Urban Single Family	Rural Single Family & Agriculture	Townhouse	Residential Condo	Non-Residential
1 ERU	2 ERUs	0.33 ERU	0.5 ERU	1 – 853 ERUs

Fee Structure: Option 3

PROS	CONS
It's not "one size fits all" because based on averages of several different residential categories	Residential properties with large amounts of impervious surface pay the same as residential properties with less impervious surface
Less expensive administratively, because residential accounts will be automatically assigned a fee category, plus fewer potential errors	
Appeals related to incorrect impervious surface measurements would be limited to ~1,700 non-residential properties	

Stormwater Fee Comparison

		Urban Single Family	Rural Single Family & Agriculture	Townhouse	Residential Condo	Non-Residential
OPTION 1 \$43/Improved Property	Unit Range	1	1	1	1	1
	Fee Range	\$43	\$43	\$43	\$43	\$43
OPTION 2 \$5/500 Sq Ft Impervious Surface Estimates	Unit Range	1 – 156	1 - 523	1 – 3	1 - 2	1 - 5,268
	Fee Range	\$5 - \$780	\$5 - \$2,615*	\$5 – 15	\$5 - \$10	\$5 – \$26,340
OPTION 3 \$32/3,087 Sq Ft Impervious Surface Estimates	Unit Range	1	2	0.5	0.33	1– 853
	Fee Range	\$32	\$64	\$16	\$10.56	\$32 – \$27,296

*Approx. 18 rural single family & agricultural properties >\$1,000

Option #2 ~ 163 of all props >\$1,000; Option #3 ~ 145 of all props >\$1,000

Stormwater Fee Comparison*

County	Date Adopted	Single Family	Town House	Condo Residential	Rural Resid.	Agricultural	Non-Residential	
Baltimore City	Pending	\$170	\$85	\$34	N/A	N/A	\$72/1,050 sq. ft.	
Baltimore	4/29/13	\$39	\$18	\$32	\$32	\$32	\$69/2,000 sq. ft. Non-Institutional \$20/2,000 sq. ft. Institutional	
Anne Arundel	5/1/13	\$85	\$34	\$85/2,800 sq. ft.	\$170	\$170	\$85/2,800 sq. ft.	
Carroll	Pending							
Frederick	3/7/13	\$.01	\$.01	\$.01	\$.01	\$.01	\$.01	
Charles	Pending	\$32	\$16	\$10.56	\$64	\$64	\$32/3,087 sq. ft.	
Howard	3/28/13	\$15/500 sq. ft.						
Harford	4/18/13	\$125	\$125	\$125	\$125	\$125	\$7/500 sq. ft.	
Prince Georges	Pending							
Montgomery	4/24/13	1/3 – 3 times the ERU rate based on 7 Tiers						\$85.4/2,406 sq. ft.

* All counties propose categories of residential types, with only one exception, Howard County.

Staff Recommendation

- **Option 3, because it balances lower administrative cost with equity of rate based on several different residential categories**
- **Fee Structure of Option 3 is used by majority of MD counties, which are subject to HB 987(2012) requirements**
- **Anticipated that residential customer satisfaction will be maintained, because fewer potential billing errors than with Option 2, & no residential properties exceed \$64**
- **Proposed revisions to allow fee credits for all property types based on application approvals.**
- **Credit program, including deadlines for applications will be developed by Dept. of PGM to meet Bill 13-09.**

Proposed Amendments to Bill 13-09 for Option 3, in addition to Slide 4

Page/Line	New Text	Reason
Page 5/Line 2	Districts other than AC, RC, RC(D) = 1 ERU	Single family detached and duplexes were found in almost all zones including commercial zones; also allows for including the residential zones in the Town of Indian Head
Page 5/Line 24	Add to item I. "A minimum of 1 ERU will be assigned if property has assessed improvement value."	This allows non-residential properties with impervious surface to be assigned a minimum of 1 ERU.
Page 6/Line 21	Remove "Industrial"	It was noted, other types of NPDES stormwater permits may contain a 20% restoration provision
Page 7/Line 27	Remove "and supplements thereof"	This would allow properties built according to the 2000 Manual to receive a credit, even if they don't meet the 2007 requirements of "Environmental Site Design to the Maximum Extent Practicable"



Presented by:
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Mission Statement

The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility. We support and encourage efforts to grow a diverse workplace.

Vision Statement

Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount, where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.