

1/13/2019

## **Stormwater 101: Answering your questions about the new fee**

Bill Wellock / Published: January 13, 2019

Federal mandates, just like water and other things, flow downhill.

In this case, an unfunded mandate to improve stormwater infrastructure from the U.S. Environmental Protection Agency is enforced by the state Department of Environmental Protection, which requires municipalities to meet the standards.

In Luzerne County, many of those municipalities have organized with the Wyoming Valley Sanitary Authority to meet requirements of the mandate.

The regional approach will save money compared to each municipality trying to meet the requirements on its own, WVSA officials said.

The authority has held meetings to explain the program. Property owners who must pay have questions.

Here are some questions and answers about the stormwater fee:

Where did this begin?

The origins of the program are nearly four decades old.

In 1983, the governors of several states that are part of the Chesapeake Bay watershed and other federal officials created a program to address pollution flowing into the bay.

The agreement has been updated a few times since then, and now a mandate from the U.S. Environmental Protection Agency requires municipalities with stormwater that eventually drains to the bay to reduce sediment pollution by 10 percent, phosphorus pollution by 5 percent and nitrogen pollution by 3 percent. The deadline to meet those standards is 2023.

How will they do that?

Any municipality with a Municipal Separate Storm Sewer Systems (MS4) permit must implement a pollution reduction plan. DEP enforces those permits, and EPA also has the authority to enforce the permit requirements, said DEP spokeswoman Colleen Connolly. EPA has undertaken enforcement actions against Pennsylvania permit holders in the past, independent of DEP, she said.

In Luzerne County, most municipalities with permits have asked the sanitary authority to organize a regional plan. WVSA approached DEP with the idea, Connolly said.

The authority decided to charge a stormwater fee to fund projects to meet program requirements.

Why do this? Why should we care?

All this work is intended to improve the health of the Chesapeake Bay. The bay is home to major fishing and tourism industries, and the massive estuary is an important ecosystem.

Pennsylvanians are major contributors to what flows into the bay but live farther away than our southern neighbors, read a 2015 editorial in *The Baltimore Sun*.

“The Susquehanna River is responsible for nearly half the freshwater flowing into the Chesapeake. Yet Pennsylvania residents have no direct stake in the welfare of so much that is downstream such as crabs, tidal flats, scenic waterways and bustling ports with all those jobs associated with tourism, seafood and other bay-related business,” the editorial read.

The Chesapeake Bay Program asks people to consider their local waterways that feed the bay. Fishing, boating, nature-watching and other activities are all worse in water that is polluted, unproductive and potentially dangerous, the organization’s website says.

What is the basis for the fee?

The fee is based on the amount of impervious surface on a property. Impervious area is anything that rainwater flows off without seeping into the ground. Roofs, walkways, patios and driveways are all impervious. Gravel driveways also count toward the total.

How does WWSA know how much impervious area is on my property?

An aerial survey determined how much impervious surface was on each property.

What is the fee schedule charged by the WWSA?

Each real estate parcel pays a monthly charge according to how much impervious area it contains:

- 0 to 99 square feet: No charge
- 100 to 499 square feet: \$1
- 500 to 6,999 square feet: \$4.80. This is the tier most homes fall in.
- 7,000 or more square feet: \$1.70 per 1,000 square feet. Some residential properties with large amounts of impervious area fall into this category.

Who is paying the fee? Are nonprofits and governments paying?

Properties in municipalities with a Municipal Separate Storm Sewer Systems (MS4) permit must pay. Anyone in those towns whose property includes impervious surface is responsible for

payment. No one is exempt. Homeowners, businesses, nonprofits, churches, colleges, school districts and city and municipal agencies all pay.

Why a stormwater fee instead of another source of funding?

Here's what the authority said about why it decided on a fee: "A stormwater fee based upon impervious area is more equitable because properties that create more stormwater runoff pay more, and properties that create less stormwater runoff pay less. Empirical studies show impervious area provides the best correlation of the quantity or quality of runoff leaving a property, as opposed to assessed property value. In addition, all developed properties contribute stormwater runoff and should pay the stormwater fee; however, some properties are exempt from taxes. The general result is an additional savings to residential property owners of roughly 55 percent to 75 percent in paying for stormwater management through a fee as opposed to a tax."

Where does the money go and what does it pay for?

The money will go to the sanitary authority to use for stormwater management projects that will meet the program requirements.

The projects include stormwater parks and rain gardens, local streams restoration, street sweeping, mapping of the stormwater system and more.

The regional approach means that a project completed anywhere in the group can count toward progress for all the participating municipalities. Fewer projects will need to be built, and WVSA officials expect that the regional approach will save \$274 million over 20 years compared to a system in which each municipality ran its own program.

Some of the money collected will be returned to participating municipalities. Those funds will go into a savings account that each town can only use for stormwater projects, such as replacing catch basins, said Donna Gillis, WVSA spokeswoman.

What about elsewhere in Pennsylvania and in other states?

Other areas in the state that drain to the Chesapeake Bay and some parts of five other states — Delaware, Maryland, New York, Virginia and West Virginia — are responsible for meeting the requirements set by the EPA.

But not every place is paying for the work with a fee. In Maryland, for example, a 2012 state law required ten jurisdictions to set fees to pay for stormwater management. But revisions to the law in 2015 changed the program to allow those jurisdictions to decide how they paid for the stormwater work. Some will allocate it from their general funds while others will keep their stormwater utility fees in place, according to the Chesapeake Bay Foundation.

Is the WVSA handling this for all eligible municipalities?

No. Kingston Twp., Dallas Twp. and Dallas have authorized the Dallas Area Municipal Authority to handle stormwater for them.

DAMA's fee is based on the number of sewer or trash units currently charged to customers. The charge for a single unit is \$15 per quarter. DAMA will charge residential and commercial properties this rate in 2019, said Tom Mayka, stormwater program manager.

In 2020, the DAMA stormwater fee will be unchanged for residential customers, but commercial customers will be charged based on impervious area. That future fee schedule for commercial properties has not been decided, Mayka said.

What's so bad about rain that I have to pay for it?

The rain picks up pollutants and moves them into waterways. Dirt, fertilizer, chemical contaminants and more are washed into streams during rainstorms. From those streams, they move into the Susquehanna River and down into the Chesapeake Bay.

My property retains water. Why should I pay?

Rain and runoff may be absorbed by bare ground during light rain, but properties generally discharge runoff during heavier events, according to the sanitary authority.

Why doesn't my bill separate the stormwater fee?

According to WWSA, the authority planned to include an itemized list of charges, but did not do that because space on the bill was limited and the authority didn't want to increase mailing costs.

What will happen in the future?

The permits for the MS4 program are renewed every five years. WWSA officials have said they expect federal requirements will increase in the future, but they won't know until the EPA makes a decision.

"We've been asked that many times," Gillis said. "I can't answer that with a definitive answer."

Will these fees change?

Gillis wouldn't say.

"Our board of directors continues collecting and reviewing feedback from property owners as well as public officials. We continue meeting with several stakeholders and we will give any updates to our regional stormwater management program as necessary," she said Thursday.

What municipalities are part of WWSA's stormwater program?

There are 32 municipalities that are part of WVSA's stormwater program: Ashley, Courtdale, Duryea, Edwardsville, Exeter, Forty Fort, Hanover Twp., Harveys Lake, Hughestown, Jackson Twp., Jenkins Twp., Kingston, Laflin, Larksville, Lehman Twp., Luzerne, Nanticoke, Newport Twp., Pittston, Pittston Twp., Plains Twp., Plymouth, Pringle, Sugar Notch, Swoyersville, Warrior Run, West Pittston, West Wyoming, Wilkes-Barre, Wilkes-Barre Twp., Wyoming, Yatesville.

## AVERAGE ANNUAL TIER 2 BILLING

 <p>WYOMING VALLEY SANITARY &amp; STORMWATER</p> <p>PO BOX 888 WILKES-BARRE, PA 18708-1888</p> <p>ACCT NO. <b>123456789-0</b></p> <p>EDU <b>1</b> SDR TIER <b>2</b> STR <b>1</b> YA <b>19</b></p> <p>MC <b>00</b> SERVICE LOCATION <b>123 MAIN ST</b></p>	<p>MC ACCOUNT</p> <p><b>00123456789-0</b></p> <table border="1"> <tr> <th>LIMITS</th> <th>SE-TRK</th> <th>CDZ</th> <th>YEAR</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>PREVIOUS QUARTER'S TOTAL DUE <b>272.05</b> NEW <b>2/19/19</b></p>	LIMITS	SE-TRK	CDZ	YEAR					<p>ADDRESS REQUIRED</p> <p>PREPARED: FIRST CLASS MAIL U.S. POSTAGE PAID WILKES-BARRE, PA PERMIT NO. 28</p>				
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<p>ANNUAL PAYMENT OPTION WITH DISCOUNT SANITARY/STORMWATER CHARGE</p> <p>TOTAL DUE <b>272.05</b></p> <p>DUE ON <b>2/19/19</b></p> <p>QUARTERLY PAYMENT OPTION SANITARY/STORMWATER CHARGE</p> <p>TOTAL DUE <b>69.40</b></p> <p>DUE ON <b>2/19/19</b></p> <p>LEAK COST</p> <p>KEEP THIS PORTION FOR YOUR RECORD</p>	<table border="1"> <thead> <tr> <th>PREVIOUS CHARGE</th> <th>PENALTY</th> <th>INTEREST</th> <th>CURRENT QUARTER'S CHARGES</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td><b>69.40</b></td> </tr> <tr> <td colspan="3">TOTAL DUE ON <b>2/19/19</b></td> <td><b>69.40</b></td> </tr> </tbody> </table> <p>DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT</p>	PREVIOUS CHARGE	PENALTY	INTEREST	CURRENT QUARTER'S CHARGES				<b>69.40</b>	TOTAL DUE ON <b>2/19/19</b>			<b>69.40</b>	
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**\$272.05**  
ANNUAL CHARGE FOR BOTH STORMWATER AND SANITARY WITH 2% DISCOUNT FOR ANNUAL PAYMENT

**BREAKDOWN**  
INCLUDING 2% DISCOUNT FOR ANNUAL PAYMENT

SANITARY - \$215.00/YR  
STORMWATER - \$56.65/YR  
**\$272.05**

**\$69.40**  
QUARTERLY BOTH STORM AND SANITARY

**BREAKDOWN**  
DOES NOT INCLUDE A DISCOUNT FOR QUARTERLY PAYMENTS

SANITARY - \$55.00/QUARTER  
STORMWATER - \$14.40/QUARTER  
**\$69.40**

**\$14.40 = 3 MONTHS @ \$4.80 PER MONTH**