CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

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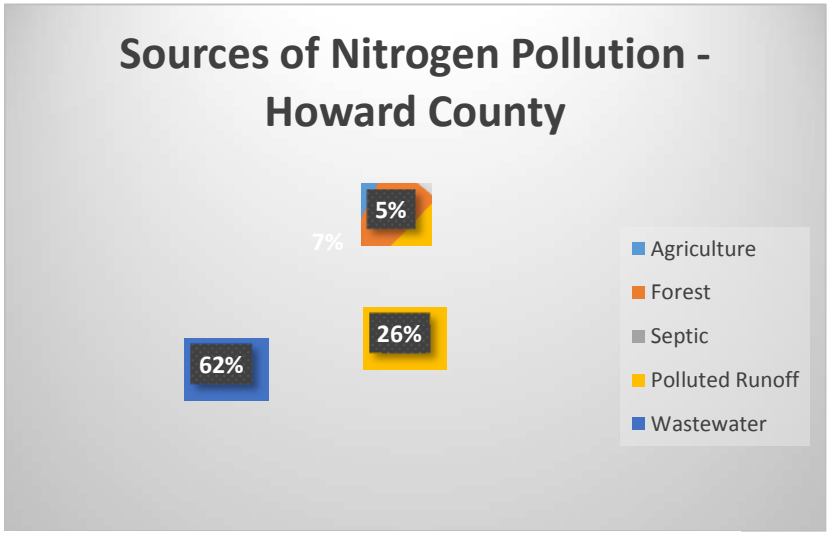
Stay strong on stormwater fees

January 2014

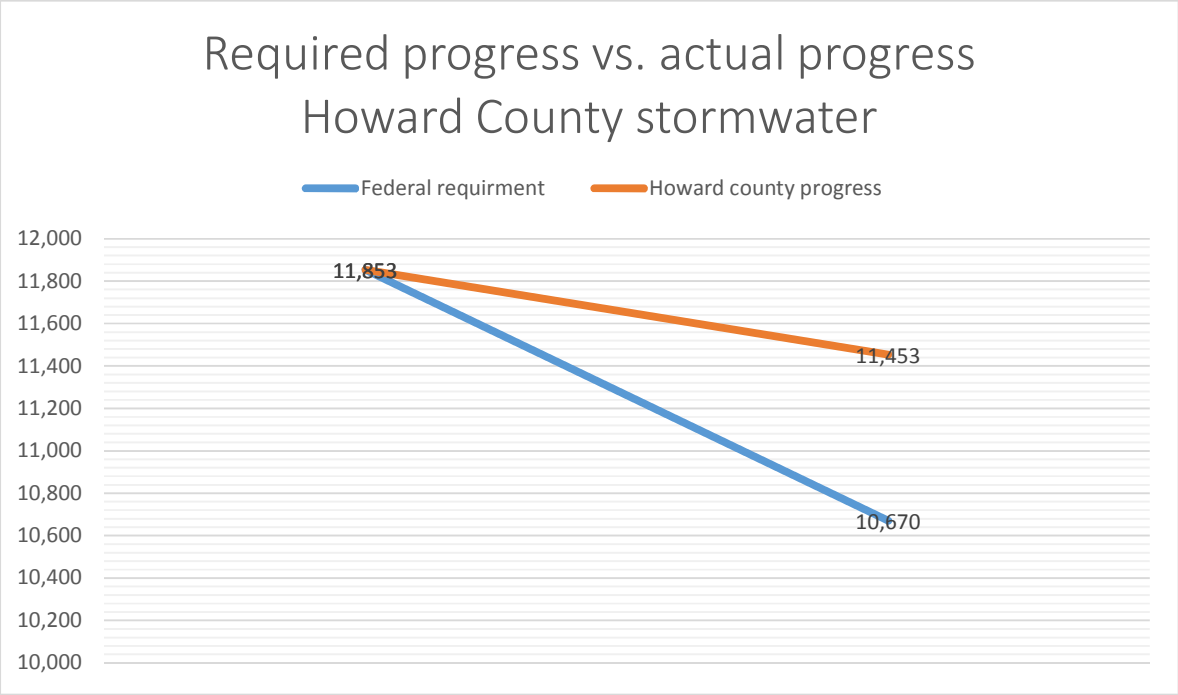
HOWARD COUNTY HAS A BIG PROBLEM: POLLUTED RUNOFF

Polluted runoff is a major source of pollution in Howard County. About one-quarter of the nitrogen pollution in county rivers comes from polluted runoff, and much of its sediment pollution. Dog waste, chemicals and other contaminants run off county streets, parking lots, and other surfaces during a rain storm, and discharge straight into the Patuxent River, Patapsco River and other rivers and creeks. This toxic flush is called stormwater. Howard County and the state are getting a handle on the largest source of nitrogen pollution: sewage plants. Thanks in part to funding from the "flush fee," for instance, the upgrading of the Little Patuxent sewage plan was completed in 2012. The plant is discharging 205,000 fewer pounds of nitrogen pollution a year after the upgrade. The Patapsco sewage plant that also receives county sewage will be upgraded by 2016. The county isn't making the same progress reducing polluted runoff (see page 2). This problem increases the flooding of basements and roads. It also makes downstream water unfit for human recreation and marine life.



Source: Howard County Phase 2 Watershed Implementation Plan, revised July, 2012

THE COUNTY LAGS FAR BEHIND FEDERAL REQUIREMENTS TO REDUCE POLLUTED RUNOFF; DEPENDABLE FUNDING IS CRITICAL



Source: Mark S. Richmond, Howard County Storm Water Management Division

Howard County is well behind the "watershed restoration" requirements set in its current federal National Pollutant Discharge Elimination System (NPDES) permit. To reduce polluted runoff, the permit required the county to improve treatment of polluted runoff on 1,185 acres – or 10 percent of the county's total hard (impervious) acres where the pollution wasn't being treated. The county had five years to achieve the improvements, from 2005-2010. The permit has been extended, giving Howard County two extra years. But as of June, 2012, the county had improved 400 acres, or about 3.3 percent of its impervious surfaces. The county is doing some excellent work to reduce polluted runoff: restoring streams, better managing residential and commericial application of lawn fertilizer, improving stormwater ponds, planting trees and using other strategies. It also has plans for effective new projects. But a new NPDES is about to be issued to the county which will DOUBLE the requirments for watershed restoration, requiring the county to improve treatment on an additional 20 percent of its impervious surface. The county isn't meeting current requrements with current funding; it can't possible meet the tougher new standards without some increased, dependable source of revenue.

Innovative solutions are sitting on county drawing boards. What's missing: funding.

Stay strong on stormwater fees.

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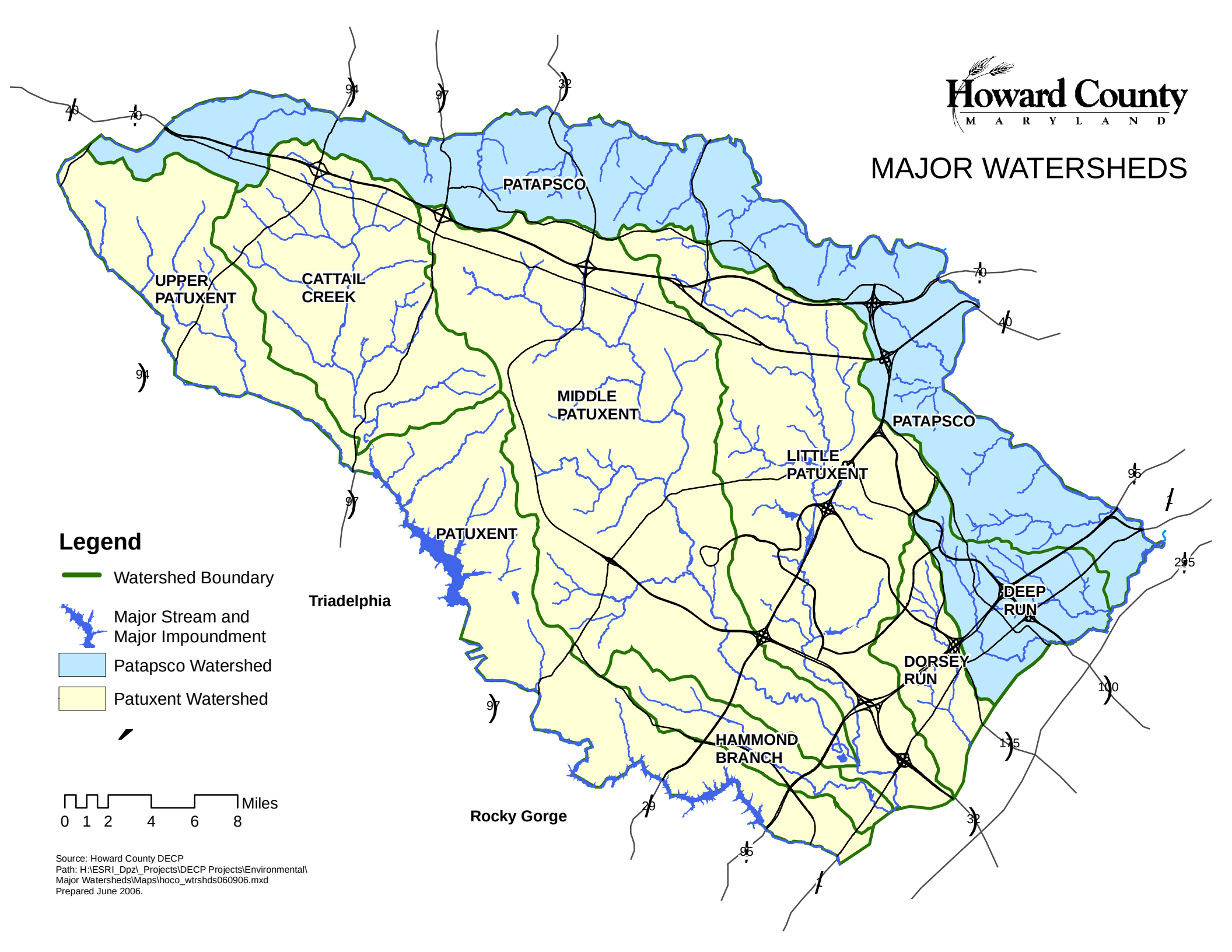
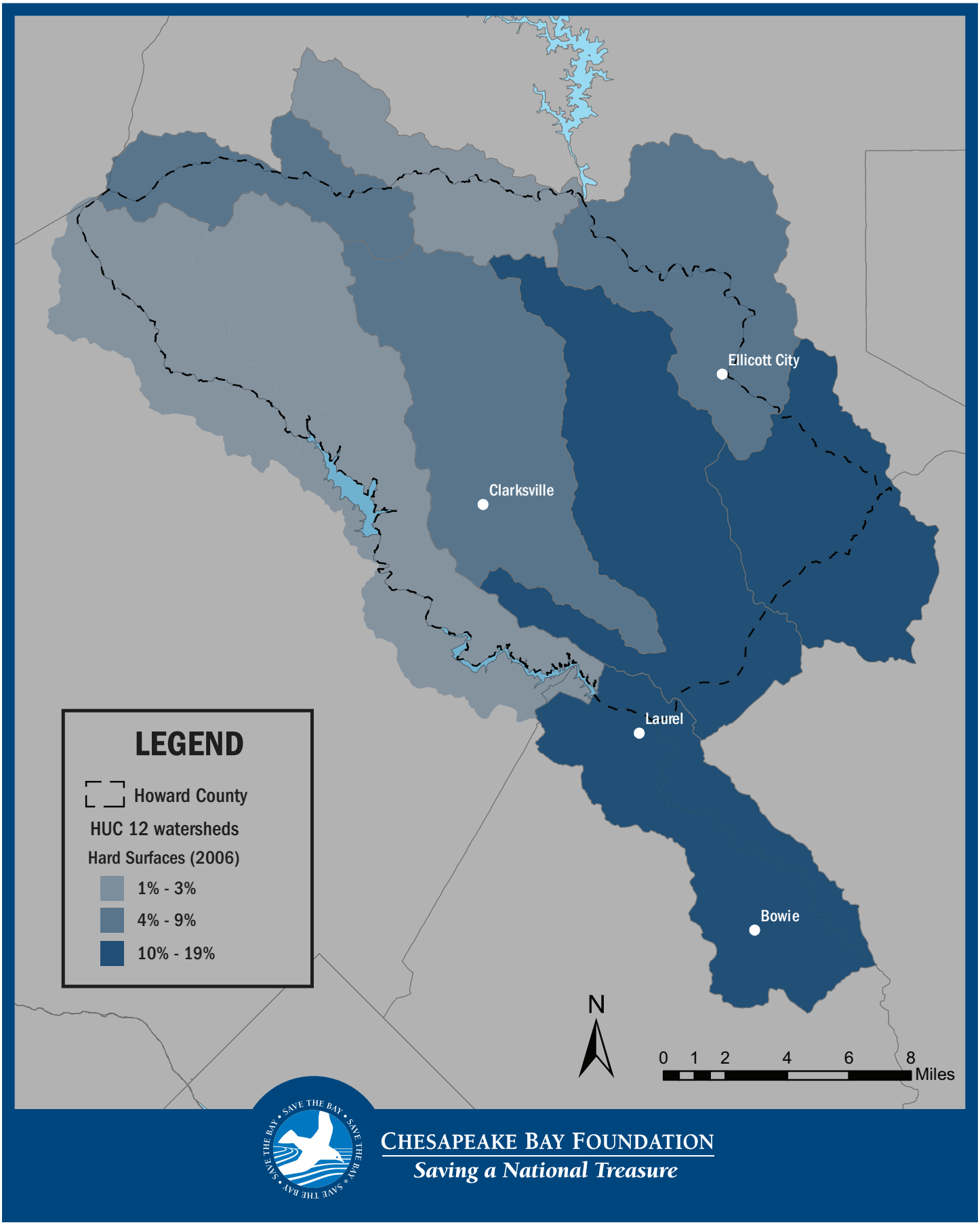

Howard County
MARYLAND
MAJOR WATERSHEDS
PATAPSCO
UPPER PATUXENT
CATTAIL CREEK
MIDDLE PATUXENT
PATAPSCO
LITTLE PATUXENT
PATUXENT
Triadelphia
DEEP RUN
DORSEY RUN
HAMMOND BRANCH
Rocky Gorge
Legend
Watershed Boundary
Major Stream and Major Impoundment
Patapsco Watershed
Patuxent Watershed
0 1 2 4 6 8 Miles
Source: Howard County DECP
Path: H:\ESRI_Dpz_Projects\DECP Projects\Environmental\Major Watersheds\Maps\hoco_wtrshds060906.mxd
Prepared June 2006.

HUC12 Watersheds by Percentage of Hard Surface

Howard County, Maryland



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FACT SHEET

January 2014

POLLUTED RUNOFF PROJECTS IN HOWARD COUNTY IN FY2014

The funds collected from the stormwater utility fee will allow Howard County to undertake many projects needed to reduce localized flooding, improve public infrastructure, restore streams, and improve water quality. Using the estimated $8.9 million in new revenue from stormwater management fees, the County is able to repair badly deteriorated and inadequate storm drain systems across the County, restore streams and shorelines, create stormwater management ponds and wetlands, and monitor water quality in local waters. Some of the projects being designed and implemented by Howard County in FY2014 in part through the stormwater utility fee are listed below, along with their environmental and community benefits.

IMPLEMENTING PRACTICAL AND PROVEN SOLUTIONS

Stream Restoration in Howard County
Photos by Howard County Department of Public Works

Ponds help retain and in some cases filter polluted runoff to lessen the quantity of water that is entering a stream or river at one time. The first inch of rainfall is most likely to be carrying pollutants washed from the streets, parking lots, and rooftops (impervious surfaces). These stormwater ponds and retrofits ensure that this polluted runoff is allowed to soak into the ground to filter pollutants before they reach streams and tidal waters.

Storm drains collect the fast-moving surges of storm water and carry it to receiving waters. During storm events, trash, debris, and polluted runoff is transported through the storm drain, often causing clogging that results in local flooding and the discharge of sediment and other pollutants. Storm drains can be fitted with filters to remove pollutants, raised in elevation to slow down the volume of polluted runoff, or cleared to reduce flooding impacts.

Stream restoration usually involves installation of stone structures and vegetation that reduces erosion of the stream bed, and reconnecting the stream to the surrounding floodplain. These projects can provide a large number of benefits, including flood control, habitat for fish, amphibians, insects and other aquatic organisms, stabilized stream banks, better protection of wetlands, higher quality stream valley trail systems for recreation such as walking, birding, and biking, and reducing pollution flowing downstream to the Chesapeake Bay.

Shoreline stabilization can help reduce the load of suspended sediment in the stream when done in conjunction with upstream runoff reduction practices. A stabilized stream bank is also much healthier for fish and invertebrates than a highly eroded bank.

Street sweeping reduces the amount of suspended sediment, nitrogen from atmospheric deposition and phosphorus. EPA estimates of street sweeping efficiency are 30% reduction in Total Suspended Solids, 15.4 pounds of Nitrogen per impervious acre per year and 2 pounds of Phosphorus per impervious acre per year.

Tree planting on re-stabilized stream banks can have a very beneficial effect on temporary nitrogen storage, long term phosphorus and sediment reductions as well as cooling water temperatures and attenuating flows. Once trees mature, fallen limbs and trunks provide excellent fish habitat.

ELLICOTT CITY

Due to the extensive impervious surface in Ellicott City, Howard County is planning several projects in and around the area. One such project will be to improve and expand stormwater management in Lot D, near the post office and Main Street. The Tiber-Hudson stream corridor, part of the Patapsco River watershed, is currently channelized through Lot D. The County has recognized the potential for the Tiber-Hudson to be improved as a natural and visual amenity and public gathering space. Funded in part by the revenue raised by the stormwater utility fee, the County has planned to address and control polluted stormwater runoff, create a public amenity space for the community, and improve parking conditions on the lot. Stormwater utility fees will also fund several stormwater management projects such as stormwater management ponds, detention basins, and streambank restoration. Project locations include Newcastle Court in west Ellicott City and Tiller Drive near Mt. Hebron High School. Stream restoration projects will also be taking place near the Bonnie Branch middle school, the Our Lady of Perpetual Help church, and near St. Johns Lane Elementary School.

COUNTYWIDE

Howard County is also using stormwater utility fees to undertake much needed stormwater management retrofit projects for existing facilities. Some of the locations include Misty Woods Lane pond, Paul Harris Court pond, Waverly Woods pond, Ashton Woods pond, Patapsco Park Estates pond, Turf Valley Overlook pond, County Lane pond, Hearthstone Road pond, Whitworth Way pond, and a project at Stevens Forest Elementary school.

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POLLUTED RUNOFF IN HOWARD COUNTY

Many of Howard County's local waters, including the Middle Patuxent River, the Upper Patuxent, the Little Patuxent and the Patapsco River Lower North Branch, are considered "impaired" by the Maryland Department of the Environment. This means that the water quality is too low to support the designated uses for those water bodies, such as water contact recreation and public water supply. In the Little Patuxent River, and likely many others, it has been determined that the water quality issues have mostly local origins that can be addressed by local actions.[1]

A major reason Howard County local waters and streams are threatened or already seriously impacted is the amount of hard, or impervious, surface in the streams' watersheds. Significant water quality and habitat impacts are observed in streams in watersheds with average impervious cover of about 10% or greater. In Howard County, the Tiber-Hudson subwatershed containing the historic County seat Ellicott City and the Deep Run subwatershed containing Elkridge both have an average imperviousness between 25% and 30%. In fact, most streams in Howard County's Patapsco Lower North Branch have enough average imperviousness to negatively impact water quality and habitat, with the exception of the Davis Branch area.[2] Impervious surfaces do not allow water to infiltrate, but rather increase the speed, temperature and volume of water, leading to polluted runoff.

Polluted runoff contaminates our local rivers and streams and threatens local drinking water. Water running off of roofs, driveways, lawns and parking lots picks up trash, motor oil, grease, excess lawn fertilizers, pesticides, dog waste and other pollutants and washes them into the streams and rivers flowing through our communities. This pollution causes a multitude of problems, including toxic algae blooms, harmful bacteria, extensive dead zones, reduced dissolved oxygen, and unsightly trash clusters. These problems result in beach closures, fish consumption advisories, and in some cases complete closure of fisheries. Although fish such as white perch, yellow perch and herring can be found in the Patapsco River mainstem downstream of Rockburn Branch and in Deep Run, pollution has made fishing undesirable in Howard. A fish consumption advisory has been issued by the Maryland Department of Environment for six fish species that may be caught in the Patapsco lower north branch watershed in Howard County.

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[1] Maryland Department of Natural Resources. *Little Patuxent River Watershed Characterization.* July 2001.
[2] Maryland Department of Natural Resources. *Characterization of the Patapsco River Lower North Branch Watershed in Howard County, Maryland.* February 2005.

Today, polluted runoff is the only major source of water pollution still on the rise. Using the 2009 baseline, urban runoff contributed **25%** of the total Nitrogen in Howard County.[3] Without a dedicated funding source like the fee, it will be a challenge for the County to address local water quality issues. As mentioned above, the pollution in Howard County waters has local origins, and must be addressed by local actions and solutions.

Howard County's impervious surfaces and the resulting polluted runoff contribute significant sediment loads to the Patuxent and Patapsco watersheds, which it shares with other jurisdictions. According to the Maryland Department of Environment, the highest sediment loads in the Little Patuxent watershed come from Howard County, at 6,950 tons per year. Howard County also contributes 5,366 tons of sediment per year into two segments of the Patapsco Lower North Branch. These sediment loads can choke stream invertebrates and fish, clog intakes and make water treatment more expensive for cities downstream. **An estimated 18,216 acres of Howard County is covered in impervious surfaces,[4] the most of any Maryland county without a major metropolitan area and almost as much as Washington DC** (see attached map of hard surfaces in Howard County)**.** Under Howard County's next Phase I National Pollution Discharge Elimination System (NPDES) permit, the County will be required to treat 20% of that impervious surface, or 3,643 acres, to reduce polluted runoff.

Apart from satisfying permit requirements, cleaning up our local water bodies has an immediate positive effect for the people of Howard County, including improved fishing opportunities, reduced flooding and creating local jobs. The great thing is, taking care of Howard County's local waterways also takes care of its obligations for the Bay.

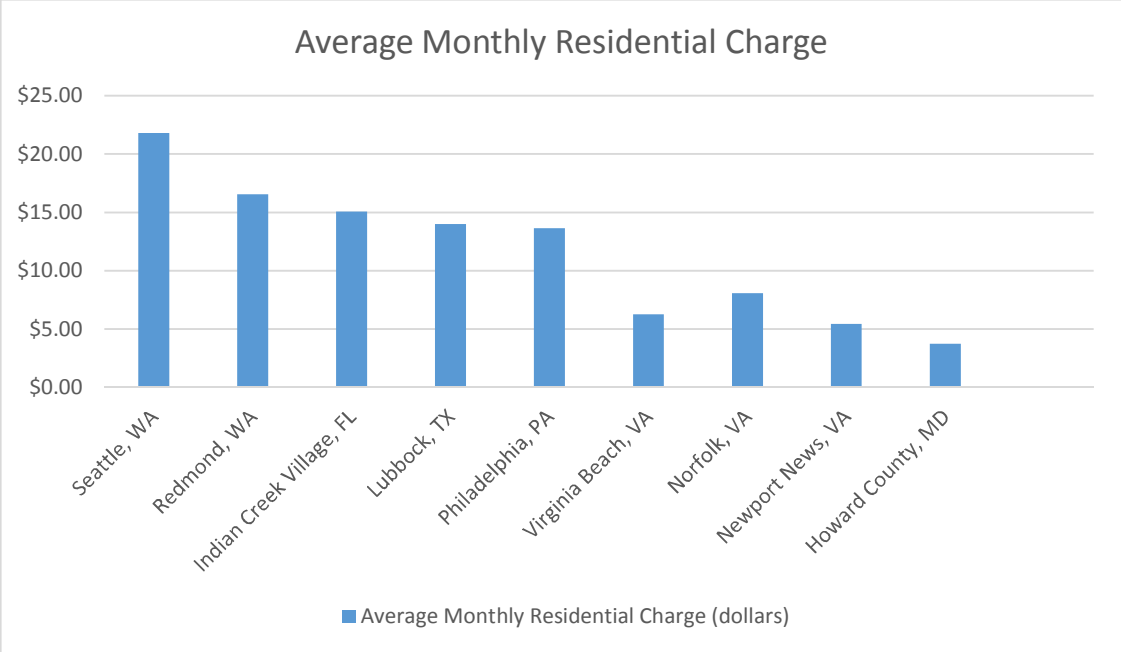
A COOPERATIVE EFFORT

All the Bay watershed states are now required to reduce runoff pollution to their local rivers and streams and the Bay – since this pollution source is the only major one that is actually growing. Each state has a specific plan in place to do so, and is now undertaking actions to make this happen. Since implementing this plan at the local level costs money, localities all around the watershed are developing different means to pay these costs. Only the ten largest and most urban jurisdictions were *required* to set fees in order to address their polluted runoff problems. They have the most land that doesn't allow water to filter slowly (impervious area), and they are also the only jurisdictions in Maryland charged with meeting very strict federal Clean Water Act permits. As requested by the Maryland Association of Counties, each jurisdiction got the freedom to set its own set of fees, according to its own polluted runoff needs. That's why businesses with the same "footprint" might have to pay a different amount in one jurisdiction or another. Maryland's

[3] Chesapeake Bay Model 5.3.2
[4] Chesapeake Bay Land Cover Change Model, Version 2

stormwater fees are not the costliest in the nation. In fact, they are not even at the higher end of the nationwide range.

The benefit to communities far outweigh the speculative concern that businesses will relocate. While businesses might wish to locate in Delaware, Pennsylvania, or Virginia instead of Maryland, it's not likely a stormwater fee that will move them to do that. And, if they do, they might be surprised to learn that eighteen local jurisdictions in Virginia, eight local governments in West Virginia, at least two municipalities in Delaware (including the largest, Wilmington), and several in Pennsylvania already have stormwater fee systems in place – and these numbers are growing. Across the United States, there are ***at least* 1,400 local jurisdictions with stormwater utility fees in place.**[5] A recent survey of jurisdictions with an existing stormwater utility fee found that the top three reasons such a fee was imposed were: to comply with regulatory requirements to reduce polluted runoff; to increase revenue stability; and to deal with the increasing costs of addressing polluted runoff.[6] These top three reasons are equally applicable to the Maryland jurisdictions, and make implementing stormwater utility fees equally important.



[5] Campbell, Warren. *Western Kentucky University Stormwater Utility Survey 2013*. Western Kentucky University, 6 July 2013. Web. 19 Nov. 2013.
[6] Black & Veatch. *2012 Storm Water Utility Survey*. Black & Veatch, 2013. Web. 19 Nov. 2013. <http://bv.com/docs/management-consulting-brochures/2012-stormwater-utility-survey>.

SOURCES OF POLLUTION IN HOWARD COUNTY

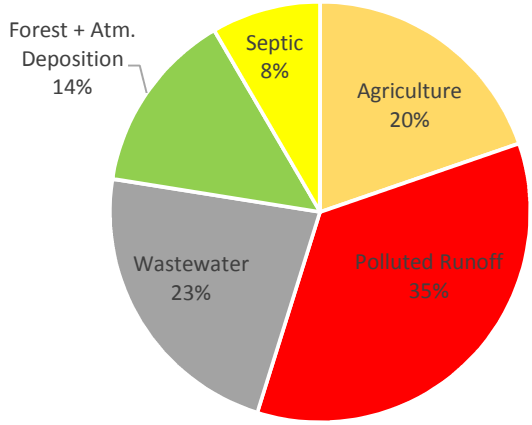
Chesapeake Bay Watershed Model 5.3—2011 Progress Run Edge of Stream Load Estimates

Upper Patuxent River

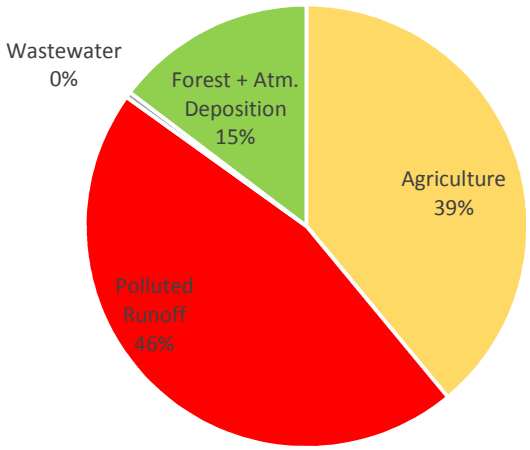
Includes the Western Branch, Little Patuxent River, Patuxent River Upper, Middle Patuxent River, Rocky Gorge Dam and the Brighton Dam

The Upper Patuxent River is polluted by nitrogen, phosphorus and sediment, and is listed on the Maryland Department of the Environment's impaired waters list, meaning it does not meet the water quality standards for its designated purpose.

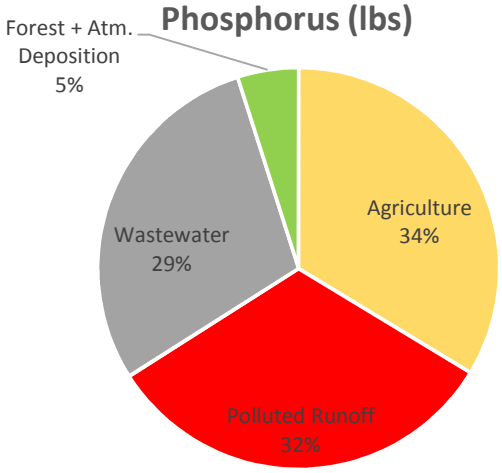
2011 Progress Run Modeled Loads Nitrogen (lbs)



2011 Progress Run Modeled Loads Suspended Sediment (lbs)



2011 Progress Run Modeled Loads Phosphorus (lbs)



SOURCES OF POLLUTION IN HOWARD COUNTY

Chesapeake Bay Watershed Model 5.3—2011 Progress Run Edge of Stream Load Estimates

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FACT SHEET

November 2013

THE FACTS ABOUT POLLUTED RUNOFF AND STORMWATER UTILITY FEES

What is polluted runoff?

As water flows off of our streets, parking lots, and building rooftops, it picks up fertilizers, pesticides, oil, and automotive fluids, pet waste, sediment, and other pollutants. This simple process—untreated stormwater flowing through gutters and storm drains—pollutes our rivers and streams and threatens our drinking water. It also causes problems like local flooding of streets and homes, beach closures, fish advisories, and sewage system overflows.

Why has urban & suburban polluted runoff emerged as a national issue?

Up until about the 1980s, builders didn't know much about the problems associated with polluted runoff. They just designed developments to flush the water off the property quickly. Now we realize runoff should be slowed down, and soaked up, where possible.

In fact, in the Chesapeake Bay region, this sort of pollution is the only major pollution sector still on the rise. Air pollution is down, as is pollution from wastewater treatment plants and agriculture. Urban and suburban runoff is the last nut to crack.

Why has polluted runoff become a big issue in Maryland specifically?

Maryland's cities and suburban areas contain some of the highest concentrations of impervious surfaces in the whole Chesapeake Bay watershed. And, not surprisingly, the state also has a huge list of waterways that are officially considered polluted. In fact, the "impaired waters" list includes waterways in every county in the state. Damage from this pollution to the Chesapeake Bay is also dramatic, because Maryland's concentrated areas of urban and suburban development are close in proximity to the Bay compared to urbanized areas in most of Pennsylvania and Virginia.

The Chesapeake Clean Water Blueprint requires each of the Bay states to reduce pollution or be subject to consequences for failure. But polluted runoff has ramifications far beyond the health of the Bay. This pollution damages local rivers and streams, is often responsible for expensive flooding, and, especially after a significant rainfall, can put human health at risk.

What is the Stormwater Utility Fee?

In 2012, the Maryland General Assembly passed House Bill 987, the Watershed Protection and Restoration Program. This legislation required the 10 largest and most urban jurisdictions to set fees to address their polluted runoff problems. These 10 urban areas have the most land that doesn't allow water to filter slowly (impervious area), and they are also the only jurisdictions in Maryland charged

with meeting very strict federal Clean Water Act permits. At the request of the Maryland Association of Counties, the law allowed localities to set a fee at whatever level they wished, based on their needs.

Where did this fee come from? I knew nothing about it.

HB 987 was debated in the Maryland General Assembly in 2012. The media reported the debate. Also, nearly identical bills were debated in previous sessions of the legislature and reported by the media. Some counties and municipalities have been holding similar debates for several years as they tried to find a way to finance the upgrade of their neglected and outdated stormwater systems.

Some counties and municipalities have had similar fees in place for decades. For example, Prince George's County has assessed a tax for polluted runoff since 1986. Bowie has charged commercial properties a fee to address polluted runoff since 1988. A number of other areas implemented similar fees in the 1990s and 2000s.

If we already pay taxes, why does the government need to charge additional fees to restore the Bay?

With all the challenges they face, state and local governments have generally chosen to do the minimum required to reduce polluted runoff. HB 987 gave a nudge to local governments to act, but left it up to them to determine the size of their local fee. With an adequate fee, the local government can implement practical, proven solutions that were previously too expensive, or that could have only been done if money was taken from other important social services. The fee also provides important leverage for financing projects with bonds or state revolving loans. **Regardless of financing option, local creeks and rivers will get cleaner only to the degree local officials fund needed work.** Little or no new funding will continue to mean dirty, unhealthy local waters.

Why do we need a new fee? We already pay the Bay Restoration Fee ("flush tax").

The Bay Restoration Fund or "flush tax" money goes to upgrading sewage plants. The money is being well spent. Most major plants in the state have been upgraded or are being upgraded, reducing nitrogen pollution into local waters by more than six million pounds a year. The flush tax was doubled in 2012 to finish the job of upgrading sewage plants. **The stormwater fee goes to upgrade the stormwater system**—the ponds, pipes, gutters, and other structures that are supposed to channel and treat polluted runoff before it reaches creeks. That spending will provide substantial, additional pollution reductions in each community.

Why aren't other local governments beside mine included in those that must charge a fee?

The problem is most severe in the 10 jurisdictions that were mandated to charge some level of fee, due to the large amount of impervious surface in those areas. And those are the only local jurisdictions already required by detailed Clean Water Act permits to deal with this problem. Many other counties in Maryland that are more rural don't discharge as much polluted runoff into local creeks and rivers.

Am I being charged the same amount as other property owners with more pavement or hard surfaces?

Each of the 10 local governments was given complete freedom to decide not only the size of the fee, but how it was collected. Some opted to charge property owners with more "impervious surfaces" higher fees. Other jurisdictions opted for a "flat fee." The ten jurisdictions took different approaches.

Contact your local government for more detailed information, or visit the following website: http://www.mde.state.md.us/programs/Marylander/Pages/StormwaterFeeFAQ.aspx

What about the assertion that these fees are a tax on rain (or a "rain tax")?

That moniker is catchy but blatantly false. It is designed to mislead and confuse. The truth is that we are talking about a fee to reduce pollution from water that washes off hard surfaces and empties into local waterways. Runoff pollution is real—it is responsible for no-swimming advisories and beach closures in local waters, fish consumption advisories, and dead zones in the Bay that can't support aquatic life. It also causes localized flooding and property damage. And in many areas, it is the largest source of pollution.

The bottom line is that this work must be done. There are federal and state requirements to reduce runoff pollution from urban and suburban areas. A fee on impervious surface is the best model to do this because the fee is connected to the cause of the pollution. If counties don't implement stormwater fees, they will need to raise the revenue by other means, such as property taxes or income taxes.

What about the complaint that these fees represent a top-down mandate?

It is true that the General Assembly required the fee. But the General Assembly also gave the counties the flexibility to design a fee structure that meets our unique needs. This is not a "one size fits all" policy. Counties have the leeway to develop local policies to address their local runoff pollution problems.

Are the fees used locally?

Yes! The fees are collected by the county or city, and used only in the county or city that collects them, to fix polluted runoff problems. The money will never go into a state fund, and there is accountability and transparency.
The fee are used for simple, proven solutions that work by slowing down and absorbing much of the polluted runoff. These solutions include planting trees, planting vegetation around streams, restoring stream beds, and using rain barrels and rain gardens. These local projects not only reduce pollution and improve water quality, but also make our communities more beautiful, reduce flooding, and create jobs. Scientific monitoring will verify that the projects are effective and efficient

Why are all the fees different?

Each county and city is unique, and so are their water quality problems. The Maryland Association of Counties, a non-profit association representing the needs of local government to the Maryland General Assembly, requested that the state law provide flexibility that allowed each jurisdiction to address these differences. Each county or city therefore can set its own fee. The approach taken by each county has varied, but the approach that provides the greatest benefit to local communities is setting a fee that reflects the jurisdiction's estimated cost of compliance with Clean Water Act permits and cost of

restoring local streams and rivers. Despite the amount of work needed to restore Maryland's rivers and streams, Maryland's polluted runoff fees are lower than those in quite a few other states.

Does Chesapeake Bay Foundation receive funding from the "rain tax?"

Absolutely not. Neither do we receive a penny of funding from the Bay Restoration Fund, or "flush fee." These are government initiatives. We are a non-profit, private agency.

Can I have my fee reduced? I've heard some of the 10 jurisdictions are offering discounts.

HB987 required all the 10 local governments affected to offer some type of credits or discounts if a property owner takes steps to reduce polluted runoff from his land. Contact your local government for more information, or visit:
http://www.mde.state.md.us/programs/Marylander/Pages/StormwaterFeeFAQ.aspx

Don't we have bigger pollution problems to worry about? Isn't the water pollution that causes closed beaches and unsafe swim areas caused mostly by sewage spills, not polluted runoff?

Polluted runoff from city and suburban landscapes is the only major type of water pollution that is increasing in the region. Pollution from farms, sewage plants, and other sources is decreasing. Thanks to the "flush fee," for example, we've dramatically reduced nitrogen pollution from sewage plants. A handful of sewer systems in the state are so old it will take many years more to stop recurring spills and overflows. Spills from those systems can play a major role in beach closings. But Sally Hornor, a microbiologist with Anne Arundel Community College who has tested county water for years, says bacteria from polluted runoff is the culprit in unsafe swim areas far more often. Sewage spills are occasional. Polluted runoff occurs after every storm generating about one-half inch of rain or more.

Do the fees hurt Maryland's business competitiveness?

Forward-thinking community leaders believe the benefit to communities from addressing polluted runoff far outweigh the speculative concern that businesses will relocate. And if businesses consider relocating to Delaware, Pennsylvania, or Virginia instead of Maryland, they might be surprised to learn that 18 local jurisdictions in Virginia, eight local governments in West Virginia, at least two municipalities in Delaware (including the largest, Wilmington), and several in Pennsylvania already have stormwater fee systems in place—and these numbers are growing. Nation-wide, more than 1,400 jurisdictions—including large cities like Houston and Tampa—have similar policies in place—and they are working.

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