

## MEMORANDUM

TO: City Council

FROM: Suzanne Ludlow, City Manager

DATE: February 9, 2021

SUBJ: Stormwater Management on Private Property

As the discussion of the modifications of the City's Stormwater Fee is before you for consideration, there are several issues that will arise, although they are not directly related to the structure of the Stormwater Fee System.

### **Why Does Takoma Park Have its Own Stormwater Authority?**

Takoma Park accepted the transfer of ownership of the stormwater system from WSSC in 1990. Maryland passed a law that ruled against continued ownership by the utility. At that time, the City deliberated and compared the options of County versus City ownership. The City decided to take over the system to ensure control over the infrastructure and to oversee maintenance as well as ensure that new system needs would be most effectively addressed. The City established the Stormwater Utility Fee in 1996 as way to establish a dependable system of funding and enable charges to be levied on all property owners, including those that were tax exempt. Takoma Park was the first jurisdiction in Maryland to set up such a fee (we received a grant from the EPA to develop the program). Many other jurisdictions followed suit within a few years and now the State requires it.

If the City gave up its stormwater program and went under the Montgomery County program, Takoma Park would not get the attention to its stormwater system that it has now. We would be the small fish in a big pond. The money paid currently directly to the City would instead go to the County and those funds would be used for the County wide program, of which Takoma Park would be a small piece. (A [presentation](#) was made to the City Council on October 21, 2020 on Montgomery County programs.)

Currently, the City has established a 5-year Capital budget for major stormwater projects in addition to an annual budget for specific repairs or improvements to the existing system. Because the City oversees street and sidewalk repairs, we are also able to respond to stormwater problems that are identified when doing that work. The City's stormwater infrastructure includes over 17 miles of storm drain pipes (some over 100 years old). Since 2006, the City has installed 72 bioretention and treatment facilities and is on track to meet the State mandate of treating 20% of the existing impervious area of the City by 2025.

In the 1990's and early 2000's, the main activity for the stormwater program was maintenance and cleaning of the system. However, since 2013, when the State established treatment goals as part of the City's discharge permit, treatment has become an equally critical component of the City's responsibilities. From an environmental point of view, we care deeply about the health of the creeks in our municipality and can be nimble on undertaking cutting edge approaches to improving water quality. While Montgomery County does an excellent job of this now, Takoma Park's more natural approaches to stormwater control were adopted earlier than they were in Montgomery County.

## **Why Doesn't the City Have a Rainscapes Program like Montgomery County?**

Montgomery County, which started its Stormwater Fee program after the City of Takoma Park did, has a program to give rebates to property owners who install a rain barrel or make certain landscaping improvements to their property to slow and filter water. That program has changed over time, but there is extensive information about the program at [Montgomery County Rainscapes Program](#).

The program offers rebates up to a capped amount on a first come, first served basis for available funds. Each type of improvement has its own rebate amount. Once a property owner has received the cumulative maximum rebate (generally \$7,500), they may no longer use the program. Whether or not someone receives a rebate, the site improvements are good steps to take towards improving water quality in the region.

The City has focused its stormwater program and staffing on public infrastructure improvements and review and approval of stormwater permit applications. Both the City and County must meet State and Federal requirements for water treatment which require substantial efforts. **It is more efficient for the City to meet those important environmental requirements using larger scale public projects than by monitoring individual landscaping projects on private property.** The administrative time needed to review the initial individual applications and then inspect the completed work is significant and would require additional staff or contracted assistance. If City funds are spent on this program, we would need to count these projects towards our treatment program which also requires verification every three years of their operation.

Rebates and funds to manage a Rainscapes type program would need to come from a larger Stormwater Fund, which would require higher fees. The primary beneficiaries of a rebate program are property owners who have the funds to make landscape improvements and have the time and resources to prepare the plans and apply for the rebates. Under the Montgomery County program, the rebate amounts often do not cover the cost of the work that is done. **Between the higher Stormwater fees, and the disproportionate benefit to wealthier property owners, a Rainscapes program would run counter to the City's Racial Equity goals.** In Takoma Park, we believe we can better advance race equity by assisting those with lower incomes or more significant flooding problems. When Montgomery County adopted its Rainscapes program, it had not yet adopted a race equity focus. It is not clear if the County has evaluated its Rainscapes program from a race equity perspective at this time.

## **How Can We Help Private Property Owners Dealing with Stormwater Flooding?**

One of the most significant impacts of climate change on Takoma Park is the increased duration of storms and the resulting increased flooding of property. As a densely-built community with many hills, most flooding problems affect multiple properties. I believe that the City of Takoma Park needs to set aside substantial funds each year for a program to address flooding on private properties.

**In the upcoming City budget, I will be recommending dedicating \$150,000 to \$200,000 per year to pay for engineering services to design solutions for flooding in areas where multiple properties are affected.** How the improvements are then paid for may be a combination of public and private funds. Grant funds will be pursued for both design and construction, but it is not clear that grant funds of any large amount are available. My recommendation is that the funds for this effort not come from the Stormwater Fund, at least at this time, but instead come from a General Fund allocation, similar to the

standard amounts the City uses for road resurfacing, sidewalk construction, and other ongoing infrastructure work.

For an individual property owner who wishes to make improvements to their property, the [features and design specifications](#) described on the Montgomery County Rainscapes program website are very helpful. **We encourage every property owner to look at making their properties more environmentally sustainable.** Some improvements may even reduce the amount of impervious surface to a level that would move the property to a lower tier in the City's proposed Stormwater Fee program, which would lower the annual cost to the property owner. In any event, property owners are highly encouraged to reduce water flowing onto other properties (to be a better neighbor) and to design their yard to allow better water filtration through the soil, which helps clean our creeks, the Anacostia River and the Chesapeake Bay. A focus on native plants and careful choice and placement of trees can also have significant benefits to the environment we share.