

Introduced by: Councilmember Kovar

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2021-9**

**STORMWATER MANAGEMENT POLICIES AND GOALS**

WHEREAS, in 1990 Maryland passed a law that ruled against continued ownership of the stormwater system by the water utility WSSC, and the City of Takoma Park accepted the transfer of ownership of the stormwater system from WSSC after a deliberative process compared the options of County versus City ownership; and

WHEREAS, the City decided to take over the system to ensure local control over the infrastructure within the City and to oversee maintenance, as well as ensure that new system needs would be most effectively addressed; and

WHEREAS, Takoma Park's municipal government is responsible for managing stormwater within the City, and does so as a stormwater utility under Title 16 of the City's Municipal Code; and

WHEREAS, the City is required by Maryland State law to meet water quality requirements of a state NPDES stormwater management permit, which currently requires the City to develop and implement a workplan to treat stormwater from 20 percent of the impervious surfaces in the City by 2025, and the city has chosen to most cost-effectively meet this requirement by managing stormwater in the public space; and

WHEREAS, as a municipality responsible for water discharge from our jurisdiction, the City is required to have programs in place to address 6 minimum control measures, which include:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection & Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management
- Pollution Prevention and Good Housekeeping; and

WHEREAS, the City established a precedent-setting 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. Many other jurisdictions followed suit; and

WHEREAS, 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 to continue meeting state stormwater quality requirements; and

WHEREAS, the City's stormwater infrastructure includes over 17 miles of storm drain pipes (some over 100 years old) and 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; and

WHEREAS, property owners in the City are assessed an annual Stormwater Utility Fee, which raises approximately \$700,000 annually, funds which are used to continue meeting state water quality permit requirements through system inspection and repairs, monitoring and water quality testing, repairs and maintenance of the existing system, design and construction of new facilities, and engineering oversight; and

WHEREAS, under the current annual stormwater fee structure, single family homeowners currently pay a flat rate of \$92, which would need to be \$108 in FY 2022 in order to realize the \$700,000, while commercial, industrial, institutional and multi-family property owners pay a fee based on the amount of impervious surface on each property; and

WHEREAS, the City Council is adopting a new fee structure that is aimed at more accurately reflecting the contribution of the City's single-family properties to untreated stormwater flows, based on an analysis of the amount of impervious surface on each property; and

WHEREAS, the new fee structure is expected to reduce the annual stormwater fee paid by approximately 44 percent of single family property owners paying less than \$108 in FY 2022, and about 55 percent paying a higher amount; and

WHEREAS, in recent years because of significant rainfalls from more frequent and more severe rain storms, many property owners have experienced flooding and other damage to their properties due to increased stormwater flows across both private and public properties in locations throughout the City; and

WHEREAS potential actions to remediate or prevent such stormwater flow problems can be very costly or ineffective for individual property owners, and may be more complex because the most appropriate solutions could involve multiple private properties as well as public land; and

WHEREAS numerous scientific bodies have noted an increase in the frequency and severity of rainstorms in recent decades because of increases in Greenhouse Gas emissions, and it is a consensus of scientists active in the environmental and climate change fields that it's highly likely this trend will continue for the foreseeable future; and

WHEREAS, the City Council has publicly expressed its support for taking action to address the impact of increased stormwater flows through our Climate Change Framework (Resolution 2020-6); the annual Council Priorities document, and by supporting State stormwater management legislation.

NOW, THEREFORE, BE IT RESOLVED THAT given the recent experiences of residents, the forecasts of environmental scientists, and the City Council's publicly stated commitments, it is in the interest of the Council as it moves to adopt the new stormwater fee structure to also take steps aimed at responding to the challenges of increased stormwater flows facing property owners, as well as increasing the City's resilience to increased stormwater flows; and

BE IT FURTHER RESOLVED THAT the City Council will explore taking actions to address these stormwater challenges for private property owners and ways to address their costs in the context of this year's budget cycle and future budgets, consistent with budgetary prudence and aligned with our ongoing work on the Climate Change Framework.

Adopted this 17th day of March, 2021.

Attest:

Jessie Carpenter, CMC  
City Clerk