


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 12-0092		

DATE: June 5, 2012

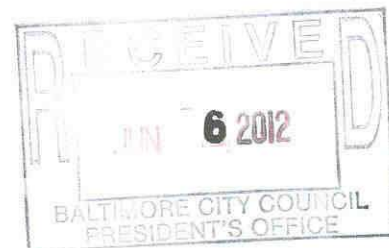
TO

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 – City Hall

I am herein reporting on Mayor and City Council Resolution 12-0092 introduced by the Council President on behalf of the Administration (Department of Public Works).

The purpose of the Resolution is to establish a financially self-sustaining stormwater utility; authorize supplemental legislation to implement the provisions governing water, sanitary wastewater, and stormwater utilities; correct, clarify, and conform related language; provide for a special effective date; and to submit this amendment to the qualified voters of the City for adoption or rejection.

The federal Clean Water Act requires local governments to counter the effects of stormwater runoff from their built environment. The quantity and the quality of runoff from impervious areas that cannot absorb rainfall must be addressed. Under the Clean Water Act, municipalities like Baltimore City are issued Municipal Separate Storm Sewer System (MS4) permits that place limitations on the amount of pollution reaching surface waters around and feeding to the Bay. These pollution reduction goals address such pollutants as nutrients (phosphorus and nitrogen), sediment, and bacteria. Every water body in the State is evaluated for polluting stressors and what levels can and cannot be tolerated. Water bodies that are impaired by one or more pollutants are then put on a “pollution diet”, called a Total Maximum Daily Load (TMDL) and States must each create a Watershed Implementation Plan, a State roadmap for how this required pollution reduction will be achieved. The Chesapeake Bay TMDL requires reductions in every watershed in Maryland, therefore every locality will need to invest in improving the health of Chesapeake Bay. A key part of meeting the requirements of TMDLs is reducing the quantity or increasing the quality of stormwater discharges. The Chesapeake Bay TMDL is the largest, both regionally and nationally, established by the Environmental Protection Agency. Sixty percent of the water quality goals for the Bay must be met by 2017 and all water quality goals must be met by 2025.



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During the Maryland General Assembly Session of 2012, the State legislators approved House Bill 987, Stormwater Management – Watershed Protection and Restoration Program, and the legislation was signed into law by the Governor on May 2, 2012. In essence, the law requires all counties and municipalities that have Phase 1 MS4 permits, to have in place by July 1, 2013, all necessary local laws and ordinances for creating and implementing a stormwater fee and fund.

MS4 permits are the regulatory frameworks that place limitations on surface water pollution from stormwater runoff, and Phase 1 permits are issued to counties and municipalities with populations of or greater than 100,000 (medium jurisdiction) or 250,000 (large jurisdiction). Nine counties and the city of Baltimore have Phase 1 MS4 permits. Complying with the MS4 permit and the TMDL pollution diet will require investing in additional personnel for maintenance and enforcement efforts, reinvesting in aging and inadequate infrastructure, and removing impervious areas or treating the runoff from them. These mandated actions will require a stable and equitable funding source to address capital improvements, prevent flooding and improve the quality of our surface waters.

Mayor and City Council Resolution 12-0092, if approved by the Council and the qualified voters of the City, will create a third utility structure and will be the first step in complying with the recently adopted State law. A stormwater utility will provide the structure for a protected and dedicated fund that will be used to comply with mandated federal and State laws and permits for stormwater remediation, and to invest in a better and healthier environment.

The Department of Public Works supports passage of Mayor and City Council Resolution 12-0092.



Alfred H. Foxx
Director

AHF/MMC