

## Stormwater Utility Fee

### What is a Stormwater Utility Fee?

A fee charged to property owners to fund a local government's stormwater management program, including infrastructure maintenance, flood control, and water quality protection. The fee is not unlike other utility bills like water and sewer.

### Why is there a fee?

Similar to other urbanized localities, the City of Salem is required by state regulation to maintain its MS4 permit. Additionally, by law Salem is responsible for proactively keeping stormwater pollution from entering city waterways. Unlike other urbanized localities surrounding our city, Salem does not currently have a dedicated source of funding to go towards maintaining the city's storm system, complying with legal requirements, performing stormwater projects, and meeting the needs of citizens. This cost is estimated to be several million dollars per year and without a dedicated revenue source the city is consistently competing with other funding sources which are already allocated towards things like roads, schools, and other services.

The stormwater utility fee has been adopted by several other localities with most in our area having had a fee for the past ten years or more. The fee is dedicated only to stormwater-related needs and is not a fee that can be re-allocated for other purposes.

## Stormwater Definitions

**Best Management Practices(BMPs)** - schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Control Measure** - refers to any BMP or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States

**Clean Water Act** - The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972.

Under the CWA, EPA has implemented pollution control programs such as setting wastewater standards for industry. EPA has also developed national water quality criteria recommendations for pollutants in surface waters.

The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained:

- EPA's [National Pollutant Discharge Elimination System \(NPDES\)](#) permit program controls discharges.
- Point sources are discrete conveyances such as pipes or man-made ditches.
  - Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need a NPDES permit;
  - Industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.

**Illicit discharge detection and elimination (IDDE)** - a program to find and stop non-stormwater flows into a storm sewer system, which can contaminate waterways.

**Impaired Water** - A water is impaired if it does not meet one or more of its designated use(s). For purposes of this permit, 'impaired' refers to categories 4 and 5 of the five part categorization approach used for classifying the water quality standards attainment status for water segments under the TMDL program. Impaired waters compilations are also sometimes referred to as "303(d) lists". Category 5 waters are impaired because at least one designated use is not being supported or is threatened and a TMDL is needed. Category 4 waters indicate that at least one designated use is not being supported but a TMDL is not needed (4a indicates that a TMDL has been approved or established by EPA; 4b indicates other required control measures are expected in result in the attainment of water quality standards in a reasonable period of time; and 4c indicates that the nonattainment of the water quality standard is the result of pollution (e.g. habitat) and is not caused by a pollutant. See USEPA's 2006 Integrated Report Guidance, July 29, 2005 for more detail on the five part categorization of waters [under EPA National TMDL Guidance <http://www.epa.gov/owow/tmdl/policy.html>].

**Municipal Separate Storm Sewer** - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

**National Pollutant Discharge Elimination System** - a program that addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.

**Post Construction BMPs** – permanent stormwater control facilities designed to manage runoff and reduce pollutants

**Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Discharges Associated with Construction Activity** - a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavating), construction materials, or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located. (See 40 CFR 122.26(b)(14)(x) and 40 CFR 122.26(b)(15).

**Total Maximum Daily Loads (TMDLs)** - A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges; load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations. (See section 303(d) of the Clean Water Act and 40 CFR §130.2 and §130.7).

- Sediment
- Bacteria
- PCB

**Virginia Pollutant Discharge Elimination System (VPDES)** - a permit program that regulates point source discharges of pollutants into surface waters in Virginia. It is the state's equivalent to the national NPDES (National Pollutant Discharge Elimination System) program established by the Clean Water Act.

## ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice  
CGP – Construction General Permit  
CVC – Clean Valley Council  
CWA – Clean Water Act  
DCR – Department of Conservation and Recreation  
DEQ – Department of Environmental Quality  
EPA – U. S. Environmental Protection Agency  
ESC – Erosion and Sediment Control  
HUC – Hydrologic Unit Code  
IA – Impervious Area  
IDDE – Illicit Discharge Detection and Elimination  
LA – Load Allocations  
MCM – Minimum Control Measure  
MS4 – Municipal Separate Storm Sewer System  
NMP – Nutrient Management Plan  
NPDES – National Pollutant Discharge Elimination System  
PCB – Polychlorinated Biphenyl  
POC – Pollutants of Concern  
SPCC – Spill Prevention, Control, and Countermeasure  
SWMP – Stormwater Management Program  
SWPPP – Stormwater Pollution Prevention Plan  
TMDL – Total Maximum Daily Load  
VESCP – Virginia Erosion and Sediment Control Program  
VPDES – Virginia Pollutant Discharge Elimination  
VSMA – Virginia Stormwater Management Act  
VSMP – Virginia Stormwater Management Program  
WLA – Waste Load Allocation