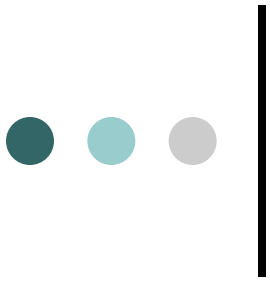


# STORMWATER FINANCING FORUM

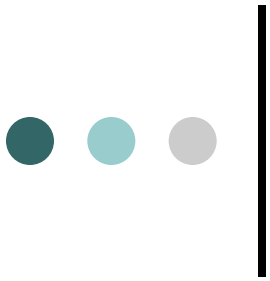


# Steven A. Hann, Esquire

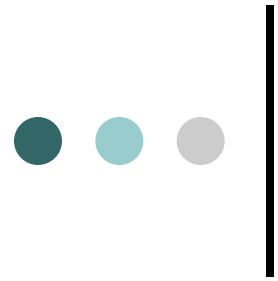
Hamburg, Rubin, Mullin, Maxwell & Lupin  
375 Morris Road, Lansdale, PA 19446  
215-661-0400  
Email: [shann@hrmml.com](mailto:shann@hrmml.com)



# STORMWATER AUTHORITIES



# BACKGROUND INFORMATION

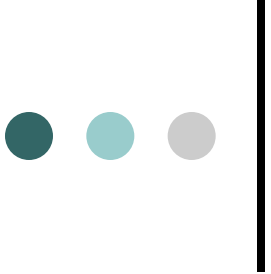


# What has triggered the concept of Stormwater Authorities?



# STORMWATER

## EPA'S PHASE II STORMWATER REQUIREMENTS

- 
- Phase I triggered a review of stormwater programs for large municipalities
  - Phase II has similar effect on smaller municipalities



# WHAT SYSTEMS CONVEY STORMWATER?

- Combined Sewer Systems (CSO's)
- Separate Stormwater Systems



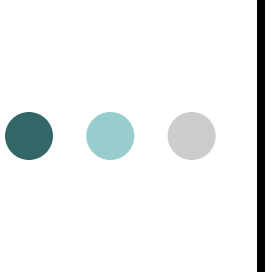
# COMBINED SEWER SYSTEMS (CSOs)

- Sanitary sewers and stormwater sewers are interconnected
- Wastewater and stormwater flows conveyed through single pipe to treatment plant
- CSO program designed to eliminate overflows during certain wet weather events (excessive flow discharged to water bodies prior to headworks of treatment plant)
- See EPA's CSO Control Policy (April 19, 1994)



# SEPARATE STORMWATER SYSTEM

- Collects and conveys only stormwater
- Stormwater not discharged to treatment plant, but directly to ground or stream



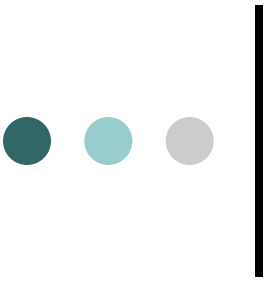
# WHAT TYPES OF POLLUTANTS ARE FOUND IN STORMWATER?

- Sediment
- Nutrients
- Metals
- Pesticides



# MECHANICS OF STORMWATER FLOW

- Impervious surfaces have increased in many communities
- Decreased ability of water to soak into ground surface
- Greater potential for flooding



# STORMWATER UTILITIES



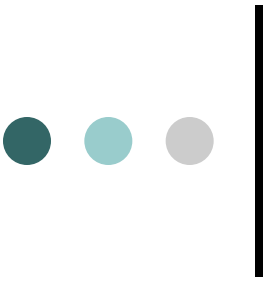
# STORMWATER UTILITIES – THE BEGINNING

- Early 1970's
- Washington, Oregon
- Florida is good case study



# PENNSYLVANIA LAW

- UTILITIES – FOR PROFIT
- AUTHORITIES – NOT FOR PROFIT



# ~~STORMWATER UTILITIES~~ AUTHORITIES



# STORMWATER AUTHORITIES IN PENNSYLVANIA

## The Solution?



# LEGAL ISSUE

- Can an authority be created under state law for stormwater management purposes?



# STORMWATER AUTHORITIES CAN:

- Address growing need for stormwater management
- Act as funding source for stormwater management programs



# WILL THERE BE A PERCEPTION PROBLEM?

- Water authorities and sewer authorities
- Vs.
- Stormwater authorities



# HOW TO OVERCOME ANY NEGATIVE PERCEPTION

- EDUCATION

- EDUCATION

- EDUCATION



# ISSUES:

(Non-Exclusive List)

- Municipality vs. Municipal Authority
  - Who is best able to implement a stormwater program?
- Funding
- Permits
- Current Regulatory Environment
- TMDLs



# MUNICIPALITY VS. MUNICIPAL AUTHORITY

- Who is best able to implement a stormwater program?



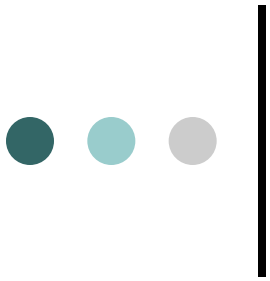
# CURRENT REGULATORY PROGRAM

- Burden on municipalities, which lack legal basis (other than taxes) to collect fees for stormwater program
- Authorities have demonstrated successful track record in operations involving water and sewer
- Authorities deal more frequently with regulatory agencies, such as PADEP



## ...CURRENT REGULATORY PROGRAM (CONT'D.)

- Authorities can integrate sanitary and combined sewer requirements
- Authorities can operate on either a municipal or inter-municipal level, which allows for watershed based authorities
- Revenue issues



# Funding



# RESPONSIBILITIES OF STORMWATER MANAGEMENT

- Planning
- System inventory
- System maintenance and upgrade
- System repair (rehabilitation)
- System cleaning
- Detection of illicit discharge
- Reduction and elimination of illicit discharges
- Regulatory monitoring and compliance
- Permits
- Other



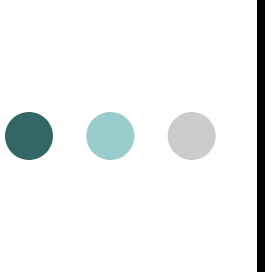
# WHAT ARE SOME COSTS TO OPERATE STORMWATER PROGRAM?

- Cleaning
- Operation and Maintenance
- Repair
- Improvements
- Administration
- Regulatory Compliance



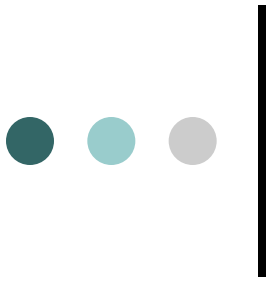
# FUNDING ISSUES

- Concept of stormwater fee to support stormwater program (including maintenance, upgrade and construction)
  - Legal
  - Must not be a tax
    - Supported by case law
  - Political

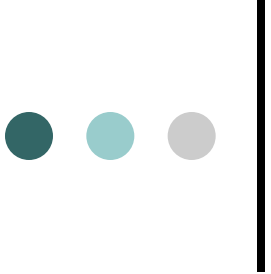


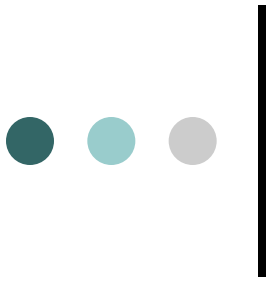
# FUNDING ISSUES (CONT'D.)

- Who should pay?
  - Those who benefit
- How to determine the assessment
  - Based on impervious cover?
  - Flat rate?
  - Based on acreage?



# PERMITS

- 
- Integration of NPDES permits – is it possible?
  - Compliance
  - Reporting

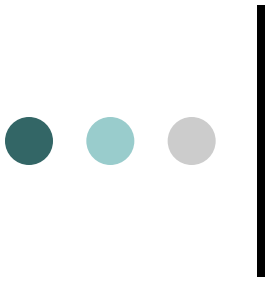


# Current Regulatory Environment



# PENNSYLVANIA'S STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES MANUAL

- Final Manual – December, 2006
- Addresses many components of stormwater program in Pennsylvania

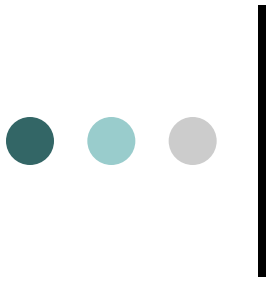


# TMDLs



# TMDLs

- Stormwater – contributes to stream impairment



# SUMMARY