



Re: Comments regarding stormwater fees; SR224 & SB116
From: Peter Norris, President, Upper Oconee Watershed Network
Date: October 5, 2017

The stormwater ordinance of Athens-Clarke County (ACC) was “established to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of...stormwater runoff and nonpoint source pollution.”

Stormwater runoff is the number one pollutant and cause of degradation to ACC streams. Runoff transports animal waste, petroleum products, and chemical pesticides into our streams. Additionally, stormwater runoff carries silt and sediment into streams, choking oxygen from riparian organisms and exacerbating flood conditions.

Stormwater retention and reduction is the number one way that municipalities can improve water quality while simultaneously reducing catastrophic flooding. The increasingly urbanized and impervious nature of our towns and cities reduces the effectiveness of natural riparian buffers. Traditionally these vegetative strips of undeveloped land greatly reduced the sediment and pollutant load transported into our creeks. In order to compensate for their loss, stormwater systems must be developed and maintained to treat and reduce stormwater runoff.

Stormwater fees, adjudicated by the Georgia Supreme Court as being an appropriate levy upon property owners, allows municipalities to provide the services and infrastructure necessary to mitigate the negative effects of stormwater. A fee is more equitable than a tax by ensuring that all beneficiaries of stormwater mitigation pay for the services. Athens-Clarke County also has a fair process for reducing fees based upon the runoff characteristics of a specific property. Additionally, ACC staff has recently recommended the Mayor and Commission undertake a review of fee rates to include additional adjustments and incentives for implementing best management practices.

UOWN opposes state legislative efforts to ban or reduce stormwater fees because: a) it will cause stormwater management systems to be underfunded; b) a 25 year, 24 hour storm event water-neutral system is ambiguous and insufficient, and; c) such actions violate the fundamental principles of ‘home rule’.

The American Society of Civil Engineers gives Georgia’s stormwater systems a grade of D+ (poor). Due to its inadequate sewer infrastructure, Atlanta was required to pay over \$2.5 million in fines for dumping raw sewage into the Chattahoochee. SB116 will reduce a municipal government’s ability to maintain an adequate stormwater system. In the long run, this will cause more catastrophic flooding and degradation of water resources (e.g., drinking water and recreational opportunities). SB116 is setting up a failure in our aging stormwater systems that the next generation will have to rectify.

We are already witnessing the results of inadequate investment in infrastructure. Businesses are rejecting re-locating to Atlanta because of under-investment in transportation infrastructure. Businesses will see these and other infrastructure shortcomings as an eventual expense for which

they will be liable through increased property and corporate income taxes. SB116 will be bad for business.

The 2016 edition of the Georgia Stormwater Management Manual (downloaded from GaEPD via <https://epd.georgia.gov/storm-water>) does not contain the term ‘water-neutral site’. The definition of such a term would require expertise in the geomorphology and hydrology of all sites in Georgia. As this commission is well aware, the geomorphology of Georgia is highly varied, from rocky Piedmont to alluvial plains. Identifying a scientifically based definition for water-neutral is an enormous task, one for which the EPD is not currently staffed. Furthermore, in the last five years we have witnessed multiple 100-year storm events. Scientific consensus is that the frequency of such events will increase in the near future. A limited 25 year horizon will be foolishly inadequate.

In editorial comments, the Honorable Senator Ginn stated that he believes in “... the ability of a community to decide the right choice for citizens.” As indicated above, stormwater management must be tailored to the geomorphology and hydrology of the area in which it is implemented. Wresting control of the design and implementation of a stormwater management system from the municipality the state will be forcing a one-size fits all requirement on Georgia’s communities, leaving some at an even greater risk for flooding and degradation of their water supply. Such actions also preclude the possibility of the local citizenry to implement a system that is more rigorous and protective than the minimum required by the state thereby usurping their right to a high quality of life.

UOWN joins the Georgia Water Coalition, the Georgia Municipal Association, and the Association of County Commissioners of Georgia in opposing SB116 and other similar measures to exempt individuals and their properties from common sense management of our natural resources.

