



City of Harrisonburg Stormwater Advisory Committee

Agenda: Meeting No. 10

November 5, 2014 5:00 – 7:20 p.m.

5:00 – 5:05	1. Review and Adopt Minutes
5:05 – 5:10	2. Public Comment (limited to 3 minutes per speaker)
5:10 – 5:40	3. Revisit Budget, Review Proposed Stormwater Utility Fee, and Revenue Projections
5:40 - 5:50	4. November 11 City Council Presentation
5:50 – 6:00	5. Nutrient Credits Presentation
6:00 – 6:25	6. DRAFT Credit Manual
6:25 – 6:50	7. Stormwater Utility Public Input Meetings – Review Boards November 12, 2014 5:30 – 7:30 Thomas Harrison Middle School December 2, 2014 5:30 – 7:30 Spotswood Elementary School
6:50 – 7:05	8. Utility Fee Approval Schedule
7:05 – 7:15	9. General Questions / Discussion
7:15 – 7:20	10. Next Steps / Assignments



City of Harrisonburg Stormwater Advisory Committee

Minutes: Meeting No. 09
October 1, 2014 5:00 – 7:00 p.m.

Members in attendance: Kathy Holm, Daniel Michael, Dale Chestnut, Eldon Kurtz, and William Latham.

Staff/Other in attendance: Thanh Dang, Carolyn Howard, Kelley Junco, Harsit Patel, Tom Hartman, Poti Giannakouros, and John Eckman.

Review and Adopt Minutes

Kathy called for a motion to adopt the September 2014 SWAC meeting minutes. The motion was made, seconded, and passed.

Public Comment

Poti Giannakouros of Harrisonburg asked the SWAC to elaborate on what households can do to take advantage of incentives to reduce their stormwater utility fee. Poti stated that local and national research indicates that municipal ordinances give rise to demand for additional municipal ordinances, and that the tall grass and weeds ordinance has a negative effect. He said that a message that everyone cares about clean water and there is a concrete program to participate in would build public support and would build consumer good will. He requested to have more data made available to the public to analyze for data used to calculate surface areas and how billing units are rounded. He referred to a discussion at the August SWAC meeting that landlords of apartments would pass fees onto tenants through a price markup, but he is not sure that would occur. He also expressed concern about how the SWAC develops the credit program and asked the SWAC ensure that property owners are not given credit for practices they should be doing anyway.

John Eckman, Executive Director of the Friends of the North Fork of the Shenandoah River, said that he is the local contact of the Choose Clean Water Coalition. He wanted the SWAC to know that he is available to help with outreach to local stakeholders.

Council Presentation Recap

Thanh gave a brief overview of the presentation she and Bill Jones gave to City Council on September 23. The presentation can be viewed online here: http://harrisonburg-va.granicus.com/MediaPlayer.php?view_id=4&clip_id=212&meta_id=11583. Thanh and Bill will return to City Council on November 11 to present proposed stormwater utility fee.

A SWAC member asked if any comments from the public have been received. Thanh replied that the City put out a press release and posted information on Be Heard Harrisonburg, and comments have been received through Be Heard Harrisonburg. She has also received emails from citizens with questions

about whether the city storm sewer system is separate from the sanitary sewer system (the answer is yes), stating that comments so far have been mostly inquisitive in nature. More information and a link to Be Heard Harrisonburg can be found here: <http://www.harrisonburgva.gov/stormwater-utility>.

Stormwater Utility Credits, Nutrient Trading Credits, and TMDLs

This presentation was deferred until next month.

There was some brief discussion about DEQ guidance for nutrient trading for MS4 operators, which is forthcoming. Thanh emphasized that if a stormwater management practice was done on a property, a property owner cannot double dip by selling or trading nutrient credits through the exchange *and* get a fee reduction on their stormwater utility fee.

Tom stated that for future MS4 permit cycles, requiring greater pollution reduction, the City may seek to diversify how it meets the Chesapeake Bay TMDL pollution reduction requirements by constructing stormwater management projects *and* purchasing nutrient credits.

Public Outreach

a. Update on Community Groups Outreach

City staff and SWAC members provided updates on stakeholder meetings with local associations and churches. They have received good questions from the stakeholders. Additional meetings are forthcoming.

For groups that city staff and SWAC are unable to meet with prior to the Public Input Meetings, Thanh will develop an electronic flyer or FAQ that can be emailed to stakeholder groups and their members.

b. Stormwater Utility Public Input Meetings

Public Input Meetings will be on:

- November 12, 2014 5:30 – 7:30PM Thomas Harrison Middle School
- December 2, 2014 5:30 – 7:30PM Spotswood Elementary School

c. Open House

The display boards for the Public Input Meetings will be shared with the SWAC at the November meeting.

d. Mock Q&A

City staff and SWAC members took turns asking each other questions and practiced answering them in preparation for the Public Input Meetings. A summary of these questions are provided on the attached Potential Questions from the Public.

General Questions / Discussion

Thanh stated that it will be very important for SWAC members to be present at the November SWAC meeting. The meeting is likely to also run longer than usual, due to the amount of content to be covered, including proposed stormwater utility fee, nutrient trading/ credits, proposed stormwater utility credit guidance manual, public input information, etc.

Next Steps / Assignments

SWAC members and city staff will continue to meet with property owners and stakeholder groups.



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1. My school field has artificial turf; is that impervious?

The Virginia Department of Environmental Quality (and formally the Virginia Department of Conservation and Recreation) historically considers 80% of the total surface of synthetic (artificial) turf to be impervious.

2. I have a patio in my backyard that drains into a lawn; why is that being charged a stormwater fee?

The fee charged is based on the amount of impervious surface on a property. If the patio is an impervious surface, it is likely to generate runoff in a “severe” rain storm, even if the ground absorbs runoff during “normal” events.

3. The City keeps raising taxes and fees on businesses. Why should I keep my business in the City and not move into Rockingham County?

Residents and businesses in the City benefit from many services, like trash collection, water and sewer services, etc., that are not available to County residents and businesses. As infrastructure in the community ages, costs for operating and maintaining the public stormwater system have become increasingly expensive. A property operating stormwater system is critical to protecting public health and safety, minimizing flooding and meeting water quality protection requirements. Though the City has made major efforts to control costs, the reality is that additional investment needs to be made to support system upgrades. By enacting a stormwater utility fee, the City has established a dedicated, stable fund to support needed investment in the public stormwater management system.

Consider asking the person “What attracted you to move to/ locate your business in Harrisonburg?”

4. I was required to install a stormwater detention pond on my commercial property; why do I have to pay fee for stormwater?

Responses may vary with specific situation. You are still contributing to stormwater runoff from your property and your stormwater detention pond (likely) outfalls into the city’s storm sewer system. If you installed a stormwater management facility with development several decades ago, you likely only helped manage stormwater volume. Today, our community is managing stormwater quality, i.e. polluted runoff.

Consider letting the person know that stormwater management facilities installed on a property due to development requirements would receive a credit (smaller credit than voluntary measures that go above requirements).



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5. How are low income families going to afford to pay this fee?

To make this fee as equitable and fair as possible, all eligible developed properties that contribute to stormwater system and/or benefit from the City's stormwater related services will share the cost. However, a property owner can impact the amount of their payment by either removing impervious area or by performing activities that qualify for a stormwater utility fee credit.

6. I am not connected to any stormwater system; there is no drainage system or problem where I live, and I don't have any runoff; why should I have to pay a stormwater fee?

Eventually all areas of land drain into a waterway, even if its rainwater caught in your neighbor's backyard or ravine. Your property is also likely to generate runoff in a "severe" rain storm, even if the ground absorbs it during "normal" events. In any event, you always benefit from adequate, properly-functioning drainage systems which decrease the likelihood of flooding, erosion, and unlimited pollutants from surface and stormwater runoff. Efforts to protect Blacks Run and the Shenandoah River provide benefits to everyone.

Analogy: Everyone pays towards the public school system to benefit the community.

7. I currently claim a deduction for property taxes on my income tax return each year; can I claim a deduction for this stormwater fee?

No, the Internal Revenue Service does not recognize fees as being tax deductible.

8. My property is 'high and dry'; why is it charged?

You benefit from adequate, properly-functioning drainage systems around you which decrease the likelihood of flooding, erosion, and unlimited pollutants from surface and stormwater runoff. Efforts to protect Blacks Run and the Shenandoah River provide benefits to everyone.

9. How will problems such as backyard flooding be solved?

You can call the Harrisonburg Public Works Department at 540-434-5928. If the problem is a City responsibility, we will investigate your concern and advise you of what action can be taken.

The Stormwater Advisory Committee is considering a program to incentivize public-private partnerships to fix drainage problems on private properties. The City may utilize stormwater utility funds to help offset the cost for private property owners to fix



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drainage problems. This program could have an application process and might consider the following:

- How much does the project cost?
- Are all property owners affected by the project in support of it?
- Are property owners willing to donate necessary temporary and construction easements?
- Are property owners willing to enter into a maintenance agreement to maintain the facility in perpetuity? (In some cases, it might be appropriate for the City to maintain the facility.)
- How much does the new facility help the City meet its state pollution reduction requirements?

10. Is growth and new development the cause of all of these problems?

It is actually older development (pre-1980s) that creates much of the problem, as there were no provisions in state or local law to address the impacts of stormwater runoff on waterways. Beginning in the early 1980s the state adopted erosion and sediment control (E&S) regulations, which required new development to address the increase in runoff *quantity*. In the 1990s the state introduced stormwater management (SWM) regulations that addressed the *quality* of the runoff from new development. That program began as voluntary for all but state projects, but then soon became mandatory for larger projects (>1ac.) enforced through a state permit system. It wasn't until 2008 that the City was made to enact SWM regulations, as a condition of our MS4 permit. Projects built in the City since then have been required to address both runoff quantity and quality in accordance with the state regulations.

11. Will the fee reduce my property taxes or amounts I am assessed?

No.

12. Will the fees be used for other city projects like trails, new buildings, or other non-stormwater needs?

No. State law requires that stormwater utility fees be used only for stormwater management. Funds collected by the stormwater utility fee cannot be used for non-stormwater needs.

13. How are undeveloped parcels treated?

Assuming that the undeveloped parcel has no impervious surfaces on it, it will have no fees assessed.



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14. What happens when a residential property becomes vacant and all other utility services are cut off?

The stormwater utility fee applies whether the property is occupied or not. The property owner will continue to receive a bill for the fee.

15. If I live in a townhouse or condo, who pays for the impervious surfaces in the common areas?

The common area within the common interest community will be evenly divided among the individually owned parcels associated with the common area and added to those bills.

Fees for multi-owner properties are calculated based on the total impervious area for the entire complex (all dwelling units, private street(s), and common areas). The total impervious area will be divided by the number of dwelling units to identify the number of billing units for each owner.

16. Will the fees increase?

The amount of your bill could go up for two reasons. First, impervious area could be added to a property which may increase the billing units or the City may determine that the impervious area was underestimated and make a correction that may increase the billing units. Second, the bill may go up if the billing rate is raised to meet stormwater needs in Harrisonburg.

Conversely, the bill may be reduced through credits if qualified stormwater management practices are installed on the property.

Fees charged to citizens will not exceed the cost of comprehensive stormwater program implementation.

17. How will I be charged if I share a driveway or a private road?

The owner of the property through which the driveway or private road is on will be charged the associated stormwater utility fee. It is up to the property owner(s) to come to negotiate an agreement with others who use the driveway or private road.

If a shared driveway is split on two properties, the fee will be divided between the two properties for the amount of impervious area on each property.

18. I live in Bridgewater and pay \$1/ month for my residential property. Why is their fee only \$12 per year, but the City's fee is \$xx per year?



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Bridgewater's program is set up differently. Their community size is different.

Note: Bridgewater's ERU is 2,000 square feet and a monthly utility fee for developed multifamily residential property and developed nonresidential property is the ERU rate multiplied by the ratio of impervious surface area on the lot to one ERU (2,000 sf). If a nonresidential lot has 2.7 times the amount of impervious surface as a typical single family lot (an ERU), its required payment is 2.7 times higher. If a multifamily dwelling lot as 2.7 ERU's, but houses four dwelling units, its rate is four times the base rate. In no case will the fee be lower than that set for single-family dwellings.

19. How did you come up with the fee?

The fee is based on the amount of impervious area on each individual property, total amount of impervious area within the city, and the needed revenue to support the stormwater program. The impervious area is measured from recent aerial photos with the actual measurement done via computer imaging, which produces a high degree of accuracy.

20. My commercial property has an Industrial VPDES (Virginia Pollutant Discharge and Elimination System) permit from VA Department of Environmental Quality and I have to pay a permit fee to VA DEQ. Why am I also being charged a stormwater utility fee by the City?

The VPDES Industrial Permit regulates discharges of pollutants from your facility to surface waters. Your property is also likely to generate runoff that enters the City's storm sewer system or drains onto a neighbor's property. In any event, you always benefit from adequate, properly-functioning drainage systems which decrease the likelihood of flooding, erosion, and unlimited pollutants from surface and stormwater runoff. Efforts to protect Blacks Run and the Shenandoah River provide benefits to everyone.

21. I understand that our local waterways and the Chesapeake Bay are polluted, but how far are we from meeting our pollution reduction requirements? How much have we done already?

If we continue progress at the rate prescribed in Virginia's Chesapeake Bay TMDL Watershed Implementation Plan, then we are about 10-15 years away from meeting the pollution reduction requirements. The City has installed stormwater management practices such as a 6,000 gallon cistern at Public Works, rain gardens at Liberty Park, Purcell Park, and Westover Park, and a stream bank restoration project at Purcell Park.

22. What is the Agricultural community being asked to do to address polluted runoff?



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The Shenandoah Valley Soil & Water Conservation District (SVSWCD) and Natural Resource Conservation Services (NRCS) provides technical assistance and cost-share programs to the agricultural community for water protection measures such as poultry litter storage, providing alternative water sources, cattle fencing away from streams, etc.

23. Why is nitrogen and phosphorus bad?

Like the human body, water bodies require nutrients such as nitrogen and phosphorus. But too many nutrients can be harmful. Many of our nation's rivers, streams, wetlands, estuaries, and coastal waters are adversely affected by nitrogen and phosphorus pollution.

Eutrophication is the process by which a body of water acquires high concentrations of nutrients, especially phosphates and nitrates, which promote excessive growth of algae. As the algae die and decompose, oxygen levels in the water are depleted, killing aquatic plant life, fish and shellfish. Many algae also produce toxins that are harmful and sometimes fatal to humans, animals, and fish.

24. Is the money collected for the stormwater utility going to stay in the City? (as opposed as to the state?)

Yes. The money collected will stay in the City and state law does not allow the funds to be diverted away to non-stormwater needs.