

Conewago Township has spent the last year tackling a difficult issue, how to properly fund the stormwater management in order to meet the obligations of EPA and PADEP, while providing value to the community. In its first step, it appointed a Stormwater Advisory Committee (SAC), which is a volunteer group consisting of Township staff and various people to offer perspectives from local residents, businesses and regulatory agencies. This group, assisted by the Township in numerous meetings to help answer questions related to how to generate funds and do so in an equitable manner. The end result was that a stormwater user fee would provide the necessary, dedicated and equitable means to fund a stormwater program. To this end, as a completely new way to approach stormwater funding, there are always questions that come up. The following is a list of typical questions and answers that may be useful to residents.

What is a Stormwater User Fee?

A stormwater user fee is a fee that is collected solely for the purposes of funding stormwater related projects, permits, etc. It is called a user fee because it provides the payer of the fee various stormwater related services (much like a sewer fee or a water fee). It has its own budget and must be fully transparent to show it is properly spent. The collection of this fee is enabled by Act 62 of 2016 (formerly House Bill 1325). This legislation specifically enables a Second Class Township to collect a fee for the purposes of stormwater funding.

How is the Stormwater User Fee determined?

The fee is based on the amount of impervious surface on a property (rooftops, parking lots, driveways, etc.) that does not allow rainfall to penetrate into the ground, but instead causes it to runoff into our streams and rivers. Single family residential properties are billed a flat rate (bi-annually), while non-residential properties are billed based on the actual amount of impervious surface on their property (divided by a typical single family residence coverage of 3,664 square feet to determine the number of ERU's). The structure of the fee, the amount of the fee and the administration of the fee were all the result of a yearlong Stormwater User Fee Study that was conducted by the Township, in coordination with the Stormwater Advisory Committee (a volunteer group of local residents, business owners, regulatory officials, etc.).

Why Can't the Township Just Continue to Use General Funds for Stormwater?

The Township is fully able (legally) to use General Funds to pay for stormwater related projects and permits. However, there are several issues in Conewago Township that require consideration of another funding source (other than General Funds). Primarily, when Conewago Township is issued an MS4 Permit (as mandated by PA DEP), it will have to drastically alter the way in which it approaches stormwater management. The MS4 permit will have six "minimum control measures" that the Township will need to develop a program to show compliance with. There is a cost associated with each to prepare, implement and provide appropriate staff effort for the control measure. In addition, the Township will need to develop a Pollution Reduction Plan (PRP) because our community is located within the Chesapeake Bay watershed. The cost of these programs and plans, in addition to the need for various capital improvements projects (with existing stormwater infrastructure), far exceed the amount the Township currently expends from General Funds for stormwater.

How is this stormwater user fee not a “tax”?

The stormwater user fee is not a tax because it is not tied to the value of the asset. In other words, a tax is an assessment on the value of an item or a property. The stormwater user fee is instead tied directly to the contributor of runoff by the degree of impervious coverage on their property. It is also directly tied to the level of service which is provided to the payer of that fee. The management of stormwater is a service that is provided to residents and businesses currently using limited portions of the collected property taxes. That model is no longer viable and has forced the Township to take proactive steps to alternatively fund their stormwater obligations.

What would happen if the Township proceeded without a user fee and ignores the permit obligations?

The MS4 program is managed at the state level (by PA DEP) but is ultimately the responsibility of the United States EPA (as part of the Clean Water Act and NPDES Phase II). This makes it both a state program and a federal program. As such, failure to adhere to the obligations of the permit will result in significant fines and penalties. Communities who have ignored their obligations have faced fines of several hundred thousand dollars and subsequent litigation. There is actual language in the MS4 permit that call attention to the fact that failure to fund the permit is NOT a viable excuse for failing to meet obligations. Both EPA and DEP conduct audits of community stormwater programs for the purposes of ensuring compliance. Random audits are certainty in this program. It is far more cost effective to be compliant than to pay penalty fees.

How does the stormwater user fee benefit me?

The new stormwater program, aside from being a mandate, has actual value to the community. The fees collected will allow the Township to more proactively pursue improvement projects to lessen stormwater flooding. These projects may involve pipe and drainage system improvements, or they may involve the construction of new facilities that will lessen the volume of runoff (which will in turn reduce flooding). In addition, the stormwater user fee will be used for projects and efforts that improve the quality of water in our streams and waterways. That will promote better habitat for fish and wildlife. It will also provide cleaner places for our children and families to interact with the various water resources of the Township. Finally, it will help to fund programs that educate and engage the community about stormwater and the importance of proper management.

Are other communities enacting similar fees?

Conewago Township will be the first community in the Adams County region to enact a stormwater user fee. However, York County is currently in the second phase of a study considering a county wide fee for their communities. There are many other municipalities that have or are in the process of researching and adopting similar fees. Hampden Township and Derry Township both have similar efforts underway or have completed them. Lancaster City has had a successful stormwater user fee program in place for several years now. The next round of MS4 applicants will likely generate more communities turning to some form of dedicated stormwater revenue source.

Will there be opportunities for me to reduce my stormwater user fee?

Yes. The Stormwater Advisory Committee felt that it was paramount that a program be provided to allow residents or businesses to receive some form of credits for stormwater fees. The program for credits has been drafted as part of the overall study and will be moved to implementation in year two of the stormwater user fee program. A draft of the credit program is anticipated to be ready in October or November of this year. The amount of crediting will likely be capped at 50% and will be directly based on the type of stormwater improvement, activity or facility that is provided (so that permitting credit can be taken for any reductions in pollutants, runoff volume, etc.). Other communities that met with the committee indicated that their credit programs were a valuable part of the program and worked towards meeting permit obligations.

How often with the stormwater user fee be due and how will it be administered?

The stormwater user fee will be billed bi-annually and will be offset from sewer and water bills. It will be billed using the existing billing process, software and staff that currently handles the Township sewer billing. The Township administrative staff will provide the customer support effort should questions or issues arise that require attention. All policies on late fees, unpaid bills, etc. will mirror the current sewer authority policies for consistency.

How will I know what my fee will be and what if I have questions?

As indicated earlier, if you are a single family residential property, you will pay a single flat rate fee every six months (based on the average value of impervious coverage in the Township). If you are a non-single family residence, you will pay based on the amount of your coverage. Assessments will be mailed to property owners with the estimated stormwater user fee due. If for some reason the county parcel data, or other parcel information is incorrect, and you believe it may affect your rate, you should contact the Township so that a specific review can be held to make sure the data and rate are 100 percent accurate. The assessment involves approximately 2,900 parcels, so there may need to be clarifications and adjustments made. The Township will work with you to make sure every request receives the proper attention.

Will the fee change from year to year?

The stormwater user fee is based on an estimated budget that has in it various assumptions about program costs and services. Periodically through the initial year of the stormwater user fee, the budget will be reviewed to make sure it is on track and appropriate. The regulations for stormwater fees do not allow a program to generate windfall amounts of excess revenue. As such, adjustments may be made once the initial year is complete and "real world" values can be used to hone the program.