County stormwater fee: Pro and con

Fees necessary to assure we have clean water

JOHN MROSEK

Trivia question: What President signed into law the Clean Water Act Amendments to cover stormwater issues? If you guessed President Ronald Reagan, you were right.

Every President since the one who first adopted the Clean Water Act (President Richard Nixon) has signed into law increased standards for air and water pollution. Why then are we so surprised to be billed an additional "stormwater fee"?

When I first considered this "stormwater fee" on my water bill I found that item odd. How would we feel if we received an itemized federal income tax bill that itemized ,"War in Iraq $1,000; Disaster cleanup $781; Congressional retirements and perks $3,200"? That's how many of us react to that $40, $50 or more bill labeled for "stormwater." What are they doing with this?

First, why? We depend on local governments for clean drinking water. Small local creeks (Whitewater Creek, Flat Creek, Line Creek, Camp Creek) and larger rivers (Flint River) are the sources for drinking water. Other counties and even states are litigating over the rights to the water found, for example, in the Chattahoochee River.

What can governments take out of the rivers? What can local governments dump into the rivers?

Enter Title 33 of the U.S. Code, known as the Clean Water Act, circa 1972. Are you old enough to remember how dirty the air used to be in steel towns Birmingham, Ala., and Pittsburgh, Penn.? Or Walter Cronkite on the evening news showing footage of Cleveland's Cuyahoga River igniting into flames on the open water because it had so many inflammable chemicals?

We have come a long way but we have a ways to go. Along the way we have picked up a bunch of legal acronyms you may recognize such as CERCLA, RCRA and Superfund.

Why then the regulation on stormwater? It is a simple fact when rainwater meets the Earth it obeys the law of gravity, carrying with it numerous substances including dirt, trash, automobile fluid refuse, your lawn fertilizer, numerous chemicals, etc., until the water reaches a waterway or small stream.

The small stream feeds the big stream.

See **NECESSARY, A6**

Necessary

Continued from **A5**

The big stream goes to the local government water processing plant. You turn on the faucet for a drink of water during the middle of the night, thinking nothing of the process.

Add to this component that raw sewage and industrial chemicals get added to the mix. Too much bad with the good leads to a situation, for example, found at the headwaters of the Flint River (which originates at Hartsfield Airport at an underground spring).

Our own expert, Dennis Chase, documented that the first mile or so south of Hartsfield Airport is literally dead. Thus we have an unfunded federal mandate to solve a big problem, complete with even more acronyms such as MS4s, SWPPP and NPDES.

The feds have placed most local governments under the stormwater permit requirements of the National Pollutant Discharge Elimination System (known among enviro people as "NPDES") in concert with the Clean Water Act. This requires cleaning streams, fixing pipes and regulating stormwater runoff.

Peachtree City, for example, complied with the permit requirements by submitting (and obtaining approval) of its "Notice Of Intent." In essentially a federal "form" document, Peachtree City identified the particular water needs and issues in Peachtree City.

It identified the three sources of stormwater outsource: Line Creek, Flat Creek and Camp Creek. Water problem issues included low dissolved oxygen rates, chemical output and high bacterial levels. Sediment control and silt fencing (seemingly picayune and trivial to regular folks like us) are important because the more dirt in a pond, the less filtration of impurities.

Water is cleaned, or purified, by passing through the wetlands that act like a filter. If you remove this filter or you clog it up, the impurities flow right through, untreated. Wetlands are those saturated areas in the flow of water which filter out all of the impurities. Wetlands and local small streams are necessary for the water we drink.

Why not fund stormwater compliance out of the general tax base? The feds require a "dedicated funding source to pay for pollution control efforts." The answer may be a bit more complicated than this, but we are assessed based on the ecological footprint of our property and not just its value.

Even if your overall property values are the same based on the sum of the land and dwelling value, you should be rewarded for your good ecological footprint. It may not be an exact science, but that is supposedly the objective.

So, when you see "stormwater fee" on your bill, bite your tongue and understand that it is an unfortunate consequence of clean and safe drinking water.

How are our local governments doing with stormwater control? More on that later.

[John Mrosek is an attorney in Fayetteville at john@mroseklaw.com.]