

PORTAGE COUNTY

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Portage County Storm Water District



Information for
Residents and Businesses

A Message from the Board of Commissioners

Dear Portage County:

Since learning of the OhioEPA's NPDES Phase II Program in 2002, the Board of Commissioners (BOC) has been exploring options for compliance with this unfunded mandate. The NPDES program requires regulated communities to develop storm water quality controls in a minimum of six practice areas. Three of the six minimum control measures (Illicit Discharge Detection and Elimination, Construction Storm Water Management, and Post-Construction Storm Water Management) require the County to adopt new regulations and provide staff to implement and enforce these new rules.

In order to address these requirements, the BOC established a Steering Committee and Storm Water Task Force consisting of representatives from local public agencies, township officials, and partner municipal officials. In 2006, these groups created a series of rules to address compliance with the NPDES program. However, the rules were not adopted by the BOC as funding for the implementation and enforcement of the proposed rules was not available. The County General Fund does not operate with adequate reserves to fund this program without cutting funding from other departments.

Following the submittal of the 2008 Annual Report for the Portage County Storm Water Management Program, OhioEPA informed the BOC that the program was in full compliance with the NPDES requirements, except for the adoption, implementation, and enforcement of the above-mentioned rules. OhioEPA also informed the BOC that failure to adopt the rules could result in enforcement action of up to \$10,000 per day per violation against Portage County.

In order to complete compliance with the NPDES program requirements and avoid potential enforcement action from OhioEPA, the BOC will be adopting the proposed rules and a Storm Water District to manage the Storm Water Program. As part of the Storm Water District, property owners within unincorporated Portage County will be charged a storm water user fee beginning in 2010.

This is not a decision the BOC considers lightly. We understand for many the imposition of a new user fee is burdensome, especially in this economy. However, given the threat of enforcement action from OhioEPA, the BOC does not see an alternative.

We are sure many of our citizens will have questions regarding the Storm Water District over the next few months, and we will do everything in our power to address your concerns.

The EPA NPDES Phase II Program

In 2003, during the first term of President George W. Bush, the U.S. Environmental Protection Agency (USEPA) rolled out the National Pollutant Discharge Elimination System (NPDES) Phase II program, which regulated storm water management for small urban and urbanizing areas (including Portage County). In Ohio, the USEPA has delegated management responsibility for the NPDES program to the OhioEPA.

The NPDES program was established by Congressional mandates from the 1970's Clean Water Act. The Phase II program requires communities to develop a storm water management plan and implement storm water quality controls in six minimum practice areas:

- **Public Education:** Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality.
- **Public Involvement:** Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a storm water management panel.

- **Illicit Discharge Detection and Elimination:** Developing and implementing a plan to detect and eliminate illicit discharges to the storm water system (includes developing a system map and informing the community about hazards associated with illegal discharges).
- **Construction Storm Water Management:** Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land.
- **Post-Construction Storm Water Management:** Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from development & redevelopment areas.
- **Good Housekeeping:** Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations.

Funding for NPDES Phase II program compliance is not provided by the federal or state government. Local regulated communities are responsible for developing funding vehicles for the program at the local level. Communities that fail to comply with the requirements of the NPDES Phase II program are subject to enforcement action from the OhioEPA, including potential fines of up to \$10,000 per day per violation.

What is a Storm Water District?

Ohio Revised Code Chapter 6117 enables County Commissioners to establish districts for the purposes of acquiring, constructing, maintaining, and operating sanitary and storm water facilities within the district boundaries. Specific enabling powers are authorized for establishing districts for the purposes of complying with the requirements of the OhioEPA NPDES Phase II program.

How Will the Storm Water District Affect Me?

All properties within unincorporated Portage County will be included in the proposed Storm Water District. Although many of the required administrative duties will be behind the scenes, residents and businesses will see additional public education programs, illicit discharge elimination efforts, storm water and erosion control regulation for construction sites, and maintenance of post-construction storm water quality facilities, all as required by the OhioEPA NPDES Phase II program.

Services provided by the Storm Water District will be financed through a storm

water user fee based on the amount of impervious surfaces (pavement, concrete, buildings, etc.) contained on each parcel. Residential parcels will be charged a flat rate of \$3.00 per month. Non-residential parcels will be charged based on the actual amount of impervious surface per parcel at a monthly rate of \$3.00 / Equivalent Residential Unit (calculated as 5,800 square feet or less). User fees will be billed twice annually on the property tax duplicate.

Monthly User Fee Comparison with Ohio Communities

Barberton	\$5.00 / ERU
NEORS	\$4.75 (Proposed)
Lancaster	\$4.64
Wadsworth	\$4.50
Columbus	\$4.13
Broadview Heights	\$4.00
Tallmadge	\$3.00
Mason	\$3.00
Ravenna	\$3.00
Portage County	\$3.00 (Proposed)
Lake County (Tier 2)	\$2.50
Cuyahoga Falls	\$2.50

