



## FAQs

### **What is a stormwater utility fee?**

A fully funded stormwater utility is required by the United States Environmental Protection Agency (EPA) and the West Virginia Department of Environmental Protection (DEP) under the Clean Water Act. The City of Martinsburg is required to address the amount and type of pollution carried by stormwater runoff that is deposited into the local creeks and streams. The stormwater utility fee is a flat rate charge based on the amount of impervious surface on a real property within the City of Martinsburg. This fee includes service charges for the operation, maintenance, improvement of, and necessary additions to the stormwater system.

### **Is the stormwater utility fee legal?**

Stormwater utility fees are legal and authorized by the West Virginia State Code. Stormwater fees are necessary to maintain the public stormwater system and represent an equitable way for the community to share the cost of a public service. Stormwater utility fees are becoming more and more common throughout the country and are legislated by Congress, mandated and enforced by the EPA and the DEP through the National Pollution Discharge Elimination System (NPDES).

### **Why is a stormwater utility fee being implemented?**

Federal and state regulations require the City of Martinsburg to address the amount and pollution carried by the runoff that is deposited into the local creeks and streams. This runoff is untreated and water quality management programs are in response to regulations from the EPA and DEP that are directly connected to the Clean Water Act. These regulations require the city to obtain a permit under the National Pollution Discharge Elimination System (NPDES) and to create a comprehensive program to seek out and eliminate, to the maximum extent practical, pollutants carried by stormwater runoff.

### **Who pays the stormwater utility fee?**

All owners of real property in the City shall pay the monthly stormwater utility fee based on the amount of Equivalent Residential Units (ERU) you have.

### **What is an Equivalent Residential Unit (ERU)?**

Equivalent Residential Unit (ERU) is the amount of impervious surface on real properties within the City of Martinsburg. The average impervious surface of a real property was used as the basis for determining the size of an ERU.

- 1 ERU = 2,280 square feet



### **What is an impervious surface?**

Impervious surface is materials, like buildings, roofs, and parking lots, that significantly inhibit rainwater from penetrating the soil. The rainwater that does not soak into the ground is called stormwater runoff. The City of Martinsburg is required by EPA and DEP to address the amount and pollution carried by the stormwater runoff that is deposited into the local creeks and streams.

### **How much is the stormwater utility fee?**

The City established a monthly utility fee that will bill by half of an ERU. This allows smaller properties to have a more practical billing statement. No bill shall be less than 1/2 ERU.

- 1/2 ERU = \$6.00

An average residential property with a rooftop, driveway and sidewalk is equal to 1 ERU (2,280 ft<sup>2</sup> impervious surface) = \$12.00 per month. An average small commercial property with a rooftop, sidewalk and parking lot is equal to 10 ERUs (22,8000 ft<sup>2</sup> impervious surface) = \$120.00 per month.

### **When will the Stormwater utility fee be in effect?**

The initial stormwater utility fee shall be effective January 1, 2022. Billing will be quarterly with an anticipated first billing date of March 2022.

### **Why doesn't the City put the stormwater utility fee on the water or sewer bill?**

Water and sewer are separate enterprise funds than the stormwater utility. An additional cost to the water or sewer bill to cover the stormwater utility fee might seem like a good way to finance a program. But this approach is neither fair or equitable because some businesses and properties use a lot of water but may not necessarily generate a lot of stormwater runoff.

### **How does the City currently pay for its stormwater services?**

The money currently comes from the City's general fund budget. The general fund budget is made up of other revenue resources that are collected by the City. Stormwater competes for general fund revenue alongside police, fire, streets, parks, etc. Stormwater must develop a dedicated revenue stream and the stormwater utility fee provides a reliable and fair method for collecting money in order to allow the City to provide increased and improved stormwater management services. The City cannot sustain a fully functional stormwater utility that is needed to comply with the EPA and DEP.

### **Why do we need to spend more for stormwater?**

Although the City has done a good job providing stormwater services on a very limited budget, the backlog of capital improvements has grown, and additional maintenance activities are required. Local, state, and federal laws also require that municipalities address the environmental impacts of stormwater pollution, but do not provide the funds to do it.



### **Where does your money go?**

Money gathered through the stormwater utility fee will go towards better stormwater project management which includes drainage studies with project implementation, equipment purchases and maintenance, regulatory compliance, and more that is required from the EPA and DEP.

### **What is the City's responsibility for stormwater?**

The City is responsible for managing stormwater within its corporate city limits as required by the EPA and DEP. The City operates and maintains drainage facilities located within the public rights-of-way. The City does not maintain facilities located on private property or that fall under the jurisdiction of other governmental agencies.

Other components of the program that are required in the City's permit include (this is not a complete list of projects or items):

1. Improved water quality through monitoring and reduction of illicit discharges and pollutants
2. Public information and education
3. Increased maintenance or repair of the city's stormwater system
4. Development of stormwater design standards and regulations
5. Field inspections and enforcement
6. Construction of identified drainage study project

### **What happens if the City does nothing or refuses to comply with the EPA and DEP permit regulations?**

Should the City choose not to comply with the Federal stormwater regulations, penalties for willful non-compliance can reach up to \$50,000 per day for each day of a separate offense or imprisonment, or both. Failure to comply with State stormwater regulations are subject to a civil penalty not to exceed \$25,000 per day of the violation. Penalties assessed for violation of the permit regulations could inevitably be passed on to the citizens.

### **Why is this a stormwater utility fee and not a property tax increase?**

Property taxes are based only on the assessed market value of a property without taking into consideration the contribution of stormwater runoff from a property. Charges derived from property values are not fairly and equitably allocated to stormwater services. A stormwater utility fee is charged based upon the contribution of stormwater runoff to the City's stormwater management system. This is a fairer and more equitable approach than charges based on overall property value.



### **Why should I pay for rain falling on my property?**

Property owners are being charged a stormwater utility fee for the cost and privilege of discharging stormwater into the public stormwater system which the City is obligated under law to maintain. With a stormwater utility fee, property owners are charged a fee for runoff discharged from their property to the City's local waterways, not by the amount of rain falling onto your property. Property owners control the level of development on their properties, which directly impacts the runoff characteristics of the parcel.

### **I am renting an apartment or house. Do I have to pay this fee?**

Property owners are obligated to pay stormwater utility fees. It will be up to the individual property owner and the renter to decide how to handle the assessed fee.

### **Why are churches, non-profits, schools, and other governmental entities being billed?**

Churches, non-profits, schools, and other governmental entities impact stormwater utility systems just like commercial and industrial sites. Providing for and addressing stormwater is a regulated and public service provided for by the City of Martinsburg. All buildings contain impervious surfaces (a surface which prevents water from being infiltrated). Impervious surfaces on the parcels of churches, non-profits, schools, and other governmental entities also place a demand on the stormwater system. Stormwater runoff generated by any property must be controlled and conveyed once it leaves the property so that it does not create problems for others. Both the quantity of stormwater and the quality of stormwater (i.e. making sure pollutants are limited), impact the entire stormwater system for the City of Martinsburg. This is comparable to paying the water, sewer, garbage, and fire bills.

### **I have a detention pond on my property. Will the utility be responsible for the maintenance of the pond?**

No. The maintenance of a retention or detention pond remains the responsibility of the property owner.

### **If I live on top of a hill and I do not have drainage problems, why would I have to pay for stormwater management fees? Or I live on the edge of the City and water drains on my property away from streets and public drainage structure, or live at the bottom of a hill and not the cause of increased flooding from uphill, why should I pay stormwater utility fees?**

Providing for and addressing stormwater is a regulated and public service provided by the City of Martinsburg. All buildings contain impervious surfaces. Impervious surfaces on your property inevitably place a demand on the stormwater system. Stormwater runoff generated by any property must be controlled and conveyed once it leaves the property so that it does not create problems for others. Both the quantity of stormwater and the quality of stormwater impacts the entire stormwater system for the City. All property owners receive indirect benefits from a properly maintained and operated stormwater management system for the entire City.



Stormwater management activities with broad benefits include keeping public streets drained and cleared, making necessary stormwater infrastructure upgrades, reducing erosion and other pollutants that enter streams and lakes, protecting and restoring streams and other aquatic habitat areas and collecting and conveying stormwater safely through all parts of town. A portion of the fees also provide for compliance with Federal, State, and local regulations for water quality improvements; administration of the City's stormwater management ordinance; public involvement and educational programs; responding to public health and safety issues that benefit all property owners.

### **Are stormwater and sewer systems the same thing?**

Stormwater and sewer systems are not the same thing. Sewer systems carry waste that is treated before it re-enters the environment whereas stormwater runoff is not treated and drains directly into the local creeks and streams.

### **What is watershed?**

A watershed is a geographical area which drains to a specified point on a water course, usually a confluence of streams or rivers (also known as a drainage area or river basin). The Martinsburg Urban Watershed is all areas within the corporate boundaries of the City of Martinsburg and those areas outside of said corporate boundaries from which stormwater or surface water naturally drains into the city. The water bodies that are located within the corporate boundaries of Martinsburg are Tuscarora Creek and Dry Run.

### **Why is it important to protect a watershed?**

Protecting watersheds can prevent water quality problems such as pesticides found in local wells, fish population decline, polluted streams, creeks and rivers, no swimming signs on creeks and rivers, etc.

### **Why is stormwater a problem?**

When precipitation falls on undeveloped land, it is primarily absorbed into the ground or slowly runs off the land. However, development results in rooftops, paved and concrete areas to be created, which prevent water from being absorbed and it runs off at a much faster rate. This causes quality and quantity issues in our local streams and water bodies.

### **What is the stormwater drainage system?**

The stormwater drainage system is the system that collects, conveys, stores or otherwise affects stormwater or surface water. It can include a network of underground pipes, drainage ditches, culverts, and open channels designed for flood or drainage control which discharge to a receiving water body. The runoff contained within this system is not treated, so anything it picks up goes directly into the stream.



CITY OF  
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**What are things that should never enter a storm drain?**

Examples include, but are not limited to:

- Oil, anti-freeze, paint, cleaning fluids
- Wash water from a car wash or personal vehicle
- Industrial discharges
- Contaminated foundation drains
- Wash waters from commercial/industrial activities
- Sanitary sewer discharges
- Washing machine discharges
- Chlorinated backwash and draining associated with swimming pools