

date

Honorable xxxx
608 Coverdell Legislative Office Building
Atlanta, GA 30334

RE: House Bill 316 – Stormwater Utility Charge Exemption

Dear Representative xxxx:

The purpose of this letter is to express the (local government name) opposition to House Bill (HB) 316, a bill seeking to exempt State of Georgia agencies from paying stormwater utility fees imposed by local governments, and any other similar legislation that would seek to exempt specific entities from paying stormwater utility fees.

Nonpoint Source Pollution

Nonpoint source pollution and stormwater runoff are being recognized as major contributors to water quality issues in the waters of the State. The Georgia Environmental Protection Division is charged with responsibility for implementation of the federal Clean Water Act and the Georgia Water Quality Control Act. In its 2006-2007 report on the status of Georgia's water resources ("Water Quality in Georgia 2006-2007"), EPD summarizes the water quality problems facing Georgia as follows:

The pollution impact on Georgia streams has radically shifted over the last two decades. Streams are no longer dominated by untreated or partially treated sewage discharges which resulted in little or no oxygen and little or no aquatic life. The sewage is now treated, oxygen levels have returned and fish have followed. However, another source of pollution is now affecting Georgia streams. That source is referred to as nonpoint and consists of mud, litter, bacteria, pesticides, fertilizers, metals, oils, detergents and a variety of other pollutants being washed into rivers and lakes by stormwater. Even stormwater runoff itself, if rate and volume is unmitigated, can be extremely detrimental to aquatic habitat and hydrologic systems. Nonpoint source pollution, although somewhat less dramatic than raw sewage, must be reduced and controlled to fully protect Georgia's streams.

In 2007 – 2008, the Georgia EPD developed, and the Georgia General Assembly enacted into law, the State Water Plan which addressed the issue of non-point source pollution and stormwater runoff. Specifically, the Plan recommended the formation of SW Utilities as an "Implementation Action" to achieve compliance with the Plan's policies relating to mitigation of non-point source pollution.

The Stormwater Utility

(local government name) is fortunate to have progressive (governing authority, Board of Commissioners, City Council etc.) that implemented a Stormwater Utility in the (local government name) several years ahead of the recommended action. This Utility collects fees from property owners that are used to maintain, repair, and improve the stormwater infrastructure in an effort to better control stormwater

runoff and mitigate the effects of nonpoint source pollution. Subsequent to its implementation, Columbia County's Stormwater Utility was challenged in court, but in 2004, the Georgia Supreme Court specifically ruled in McLeod v. Columbia County that stormwater utility charges are, in fact, a fee for services, and not a tax. The State is exempt from taxes, but there is no legal or logical basis for the State to exempt itself from paying valid fees for actual services rendered. Stormwater that runs off State property must be conveyed through the established infrastructure, and the (local government name) believes that the State, the same as other property owners, should pay its fair share of the cost of maintaining, repairing, and improving the stormwater infrastructure. It would be unfair for the State of Georgia, or any other governmental or non-profit entity, to be exempt from paying the stormwater utility fee and pass on the cost of maintaining, repairing, and improving the stormwater infrastructure to other property owners.

Thank you for your attention to this matter. If you have additional questions concerning HB 316, you may contact the

Sincerely,