

Elimination of Stormwater Fee

Richard E. Coleman [recolem@juno.com]

Sent: Wednesday, January 20, 2016 2:58 PM

To: CouncilMail

Gentleman/Lady:

I urge you to support the elimination of the stormwater fee as defined in CB 52-2015 and its associated resolutions CR 181-2015 and CR 182-2015.

Richard E. Coleman

Vote NO on CB52-2015

Cheryl Ursida [cursida@yahoo.com]

Sent: Tuesday, January 19, 2016 9:12 AM

To: CouncilMail

Dear County Executive Kittleman and Howard County Council:

I understand that CB52-2015 was recently introduced to repeal Howard County's Watershed Protection and Restoration fee.

I'm deeply concerned that removing the fee would undermine our county's Watershed Protection and Restoration Program and erode our ability to meet the requirements of our federal MS4 (Municipal Separate Storm Sewer System) permit. Removing the fee is a bad choice that could jeopardize Howard County's water quality and a future of fishable, swimmable rivers and streams.

Several analyses done by the County over the past several years point to the need for this fee.

Our 2012 Phase II County Watershed Implementation Plan (WIP) suggests that such a fee would be the most fiscally prudent and reliable way to fund our stormwater management program. This assessment predates the state mandate for a county fee that was removed in the last session of the Maryland General Assembly. State mandates aside, I still believe that the fee is the most reliable and fiscally prudent way to address our stormwater management needs and requirements.

Recent County budget shortfalls indicate that finding dollars in the County General Fund will not be as simple and painless as the County Executive's financial assurance plan suggests. The need to fulfill the requirements of our MS4 permit may mean that other county public services get short shrift, and that is not a choice that I as a citizen and voter want to see us make. Better to keep the dedicated funding provided by the fee in place so that clean-up efforts don't have to compete with other priorities for County funds.

I have not yet heard a compelling argument for CB52-2015 that overrides the significant tide of the County's own evidence in support of maintaining our Watershed Protection and Restoration Fee.

And, perhaps most significant for me as a citizen, since the advent of the Watershed Protection and Restoration Fee, I'm seeing the money I've contributed going into the ground, getting important work done. The stream restorations, tree plantings, infrastructure repairs and upgrades, and other projects already being done using dedicated funds from the fee have put us on the path towards safe, fishable, swimmable water in our local rivers and streams. I want to see that critical work continue apace, without being put at risk by budget uncertainties.

I hope that you will see the fiscal prudence of having a dedicated stormwater remediation fee available to help fund the important work of cleaning up polluted runoff in our county.

Please vote "no" on CB52-2015, and keep our Watershed Protection and Restoration Fee in place.

Thank you.

Cheryl Ursida
7817 Butterfield Drive
Elkridge, MD 21075

Testimony in favor of CB5-2016

Katie Hester [katiefryhester@gmail.com]

Sent: Tuesday, January 19, 2016 11:56 PM

To: CouncilMail

Dear Council Members,

My name is Katie Fry Hester and I reside at 3701 Red Oak Lane, Ellicott City MD 21042, and have been a resident of Howard County for over 10 years. I am in FAVOR of CB5-2016, the extension of the high-performance building tax credit, and would like to thank the County Executive for introducing it. I am testifying on behalf of my family, including my husband and 2 daughters (ages 6 and 10). We recently finishing building our home and are in the process of applying for certification under the National Green Building Standard (NGBS) at the Silver Level.

There are 3 very important reasons why we believe this tax credit should be extended:

- The tax credit is good for the environment
- The tax credit one of the best ways to shift the construction market (including the practices of home buyers, builders, architects, consultants and sub-contractors)
- We, and probably a number of other like-minded home owners, have made significant financial investments planning to receive the tax credits

I'd like to use our personal example as a way to illustrate these 3 points.

1. Environmental Benefit

When we started designing our home in 2012, we knew we wanted an energy efficient, environmentally friendly and healthy home for our family. Some of the decision we made early on included installation of:

- Geothermal Wells (which is 30-40% more efficient than a standard heat pump.)
- Variable Speed HVAC system, Energy Recovery ventilator, and water de-super-heater
- Extra insulation (including under the basement slab) which resulted in over 20% improvement in the Building Thermal Envelope

These decisions will reduce the energy consumption and loss from our house, along with the associated GHG and other harmful emissions. Further, the reduce demand on the HC eclectic grid.

2. Market Shift

Our design/build team included our General Contractor, Stevens Builders, our Architect, Cunningham and Quill, or Energy Consultant, Steven Winters Associates (who have also submitted written testimony) and numerous subcontractors. I've submitted a copy of our 23 page NGBS spreadsheet, which we have used to track our efforts for the past few years. (There are over 1300 points to choose from in the standard. Silver certification requires 356 and we have managed to achieve 421!) The discipline of tracking these points helped our design/build team keep our goal in focus. With so many decisions to make in a short time span, it would have been easy to forget environmental elements without the standard and tax incentive to focus on.

As part of qualifying for NGBS, our team did on-site training for the insulation installers and duct sealing testing to minimize energy loss in the HVAC system. Our architects pursued new environmental products. Our talented and patient general contractor, Mark Stevens tried new techniques. All of these team members are now working with other customers, passing what they learned on.

My future homeowners learned many key lessons about environmental protection and advocacy. Alexa (age 6) learned we could cut avoid cutting down certain trees by considering the careful layout of our septic system. Sierra (age 10) saw our 400-foot geothermal wells drilled and learned how the earth's constant temperature can be used to manage our heating and cooling load.

3. Financial Investment

Our family always planned to build a green house. However we pushed further than planned to pursue

NGBS certification to take advantage of the tax credit. This included hiring an independent NGBS consultant to form a strategy for certification, monitor compliance during the construction, and to test, verify and submit for certification upon completion of the project.

Many of the energy improvements I mentioned will pay us back over time. However many other environmental choices, such as our low-flow plumbing fixtures and our native-drought resistant plants, and the trees we worked around to avoid cutting, do not have a financial ROI. We invested a substantial amount based on our expectation to receive the HPB tax credit over the next four years. In summary, I would urge the council to pass Council Bill 5, not only on behalf of my family, but also on behalf of the other families in Howard County. It is good for the environment, effective at shifting the construction market towards environmental practices, and rewards families who have planned or will plan to make financial decisions that benefit the environment.

Thank you for your time and consideration. If any of the council members are interested in a tour, I'm sure that can be arranged.

Sincerely,

Katie Fry Hester

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Ellicott City, MD 21042

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NAIOP Commercial Real Estate Position on CB 52, CR 181 and 182

Tom Ballentine [naiop.md.tom@verizon.net]

Sent: Tuesday, January 19, 2016 6:26 PM

To: CouncilMail

Attachments: image001.emz (169 KB) ; oledata.mso (194 KB) ; Howard County Stormwater R~1.pdf (278 KB)

Chairman Ball and Council Members – I am writing to submit the attached testimony on behalf of NAIOP’s commercial real estate members.

Tom Ballentine

Vice President for Policy and Government Relations

NAIOP Maryland Chapters – *The Association for Commercial Real Estate*

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Email: naiop.md.tom@verizon.net

U.S. Mail: P.O. Box 16280 Baltimore, Maryland 21210



The Maryland Chapters of NAIOP represent more than 700 companies involved in commercial, industrial and mixed use real estate. Established in 1967 as the National Association of Industrial and Office Properties, today NAIOP is the nation's leading advocate for companies involved in commercial construction, land development, brokerage, property management, finance, architecture, engineering and law. For more information, please visit www.naiopmd.org



January 19, 2016

The Calvin Ball, Chair
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Via Email: councilmail@howardcountymd.gov

Subject: Support CB 52, CR 181 and CR 182

Dear Chairman Ball and Council Members:

The Maryland Chapters of NAIOP (NAIOP) represent more than 700 companies involved in all aspects of commercial, light-industrial, office, and mixed-use real estate including some of the largest property owners in Howard County. On behalf of NAIOP's member companies I am writing today to support Council Bill 52 and Council Resolutions 181 and 182.

Compliance with the U.S. Environmental Protection Agency's Municipal Separate Storm Sewer Permit (MS4) conditions are, as you well know, mandatory. The conditions of the MS4 permit must be met according to the established time table regardless of the cost, practical difficulty or the negative implications for other policy objectives. Failure to show progress toward compliance could trigger a series of unilateral, arbitrary EPA and state intervention measures and expose Howard County to Clean Water Act related citizen suits that could result in court ordered compliance directives.

Despite some NAIOP members paying significant stormwater fees to Howard County, it has been NAIOP's firm position that if new revenues are necessary to fund MS4 stormwater compliance, all property owners are better served by paying their share of costs through the state stormwater remediation fee structure. The primary reason for this position is that the state fee structure includes protections for the fee paying public that ensure a balanced, all-payer system, assessments based on a fair share of compliance costs and takes steps to reduce the overlap between regulatory costs and the fee by requiring that credits against the fee be granted for installation of stormwater management devices.

Based on this reasoning NAIOP members were represented on Howard County's 2012 Stormwater Advisory Committee. We found the work of that committee, county staff and consultants to focus on a fair and reasonable schedule of charges that aimed to establish a substantial relationship between the fee and the cost of providing stormwater services to the property owner who pays the fee. NAIOP supported the recommendations of the committee and its approach to developing a fee methodology.

Changes made to the fee schedule since the committee issued its recommendations have eroded the confidence of NAIOP members and caused many to question the equity of the fee and proportionate distribution of costs among property owners. Many perceive the current fee system to be disproportionately hard on commercial property.

Given this lack of confidence and the presentation of a financial plan to pay for the cost of MS4 compliance via general fund and special fund revenues, NAIOP supports passage of CR 181 and 182.

Thank you for your consideration and please feel free to contact me anytime if you have questions or would like to discuss these issues further. I can be reached at 410-977-2053.

Sincerely;



Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Howard County Council Members
The Honorable Alan Kittleman, Howard County Executive

Patuxent Riverkeeper Submission for tonight's hearing

fred@paxriverkeeper.org

Sent: Tuesday, January 19, 2016 5:17 PM

To: CouncilMail

Attachments: Howard County stormwater r~1.pdf (326 KB)

Dear Sir/Madam, Please accept the attached letter in opposition to the repeal of the Cunty's existing stormwater utility fee. Thanks for your assistance.



January 19, 2016

Howard County Council
George Howard Building
3430 Court House Drive,
Ellicott City, MD 21043

Subject: Opposition to Council Bill 52-2015

Dear Sir/Madam,

If there is one thing I know from serving as Patuxent Riverkeeper for over a decade now, the regional waters are getting worse and not better.

The proposed repeal of existing stormwater utility fees promises to turn back the clock on a serious problem that is begging for resolution. The backlog of unfunded problematic stormwater problems in the County is enormous. We need a clear headed, unambiguous, lucid and determined gameplan that includes vigorous enforcement of stormwater rules and laws, a change in the design culture, and (of course) some means to fund the long arduous and expensive process of retrofitting our streams and restoring aging infrastructure and outmoded stormwater facilities. This won't and can't occur "on-the-cheap" and it is a problem that will only get worse if ignored. Kicking this can down the road will only make it more expensive and harder to regain what was lost for present and future generations.

To avoid leaving a legacy of sick on contact waters, dead zones, dying fisheries and defunct maritime industries requires strong and pragmatic leadership now. Anything less helps our waterways and communities trends downward in terms of quality of life.

So I urge you to preserve this small legislative step for the environment and to build on it going forward. Granted, while it is not the whole solution, it is surely better than ambiguous and symbolic action that maintains the current status quo.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Frederick L. Tutman
Riverkeeper
Patuxent Riverkeeper