



STAFF REPORT

To: Mayor Gavin Buckley
From: Teresa Sutherland, City Manager
Date: May 28, 2019
Subject: O-25-19: Watershed Restoration Fund

This ordinance modifies the purposes for which the Watershed Restoration Fund may be used.

Currently the Watershed Restoration Fund may be used only for land acquisition (including easements and rights-of-way) and the study, engineering, design, purchase, construction, expansion, repair, maintenance, landscaping, and inspection of public stormwater management systems. If an expenditure is not related to a public stormwater management system, it is not permitted.

Over the past year, several questions have arisen regarding the permitted uses of the Watershed Restoration Fund, such as whether the fund may be used to implement no discharge zone designations, for trash skimmers and other trash capture and pollutant treatment devices, and for staff and consultant time spent reviewing and inspecting stormwater management practices and sediment control associated with grading permits.

Under the broader purposes proposed in this ordinance, the funds may be used to “support compliance with the requirements of the City’s National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit, Chesapeake Bay Total Maximum Daily Load and local watershed Total Maximum Daily Load, and stormwater watershed implementation plans through stormwater management practices, stream and wetland restoration activities, and public education and outreach, and to maintain and administer the watershed restoration fund”

These broader purposes, while fully encompassing all of the existing purposes pertaining to public stormwater management systems, will allow the fund to be used for purposes directly related to water quality and MS4 permit compliance. These broader purposes are responsive to the concerns expressed by environmental advocates that the City spends its watershed restoration funds only on staffing and maintenance of the public stormwater system and not on other efforts that would improve our waterways, such as stream and wetland restoration activities, and they are responsive to the desire expressed by Alderman Savidge to use monies from the Watershed Restoration Fund for “no discharge zone” implementation, education, and outreach efforts and for trash skimmers.

On page 2, line 22, the ordinance proposes to change “Public Works is responsible for the maintenance, repair, and retrofit of stormwater facilities that lie in the public right-of-way and these funds shall be used for this effect” to “The Department of Public Works is responsible for maintenance, repair, and retrofit of stormwater facilities that lie in the public right-of-way and these funds MAY be used for this effect.” The responsibility for the Department of Public Works to maintain, repair, and retrofit stormwater facilities in the public right-of-way would remain unchanged, but the City Council would have flexibility to decide how to fund those activities. For example, the City Council could appropriate General Fund monies for maintenance of stormwater facilities in public right-of-ways while appropriating available monies in the Watershed Restoration Fund for stream restoration and stormwater watershed implementation plans.

Finally, this bill makes stylistic changes on page 2, lines 11-12.