



**Mobile Bay National Estuary Program
Government Networks Committee Meeting**

May 30, 2014

Original Oyster House
Spanish Fort, AL

7:30 a.m.-9:00 a.m.

Agenda

Welcome & Approval of Minutes

Merceria Ludgood, Mobile County Commission
Charles "Skip" Gruber, Baldwin County Commission

Senate Bill 355 – Implications for Local Stormwater Management

Rep. Randy Davis

Understanding Stormwater Impacts

Patti Hurley, ADEM

Understanding Your Stormwater Management Plan

Christian Miller, Mobile Bay National Estuary Program

Adjourn

Breakfast will be served

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The Mobile Bay National Estuary Program Government Networks Committee was established to bring State agencies and regional government administrators together with local officials of Mobile and Baldwin counties to more effectively communicate local needs/understand State agency functions and priorities. The goal of this committee is to articulate innovative ways to improve communications and management of our coastal environment.

In attendance:

Patti Powell, Alabama Department of Conservation and Natural Resources; Charles ‘Skip’ Gruber, Baldwin County Commission; Tim Kant, City of Fairhope; Merceria Ludgood, Mobile County Commission; Eliska Morgan, Gulf Coast Restore Council; Wanda Overstreet, City of Bayou La Batre; Joseph Abston, Washington County Commission; Willie Long, Washington County Commission; Carl Simpson, Washington County Commission; Bruce Renkert, City of Spanish Fort; James Adams, City of Mount Vernon; Connie Hudson, Mobile County Commission; Tom Williams, City of Satsuma; Guy Busby, Baldwin County Legislative Delegation; Charles Murphy, City of Robertsdale; Randy Davis, Alabama House of Representatives; Rusty Glover, Alabama State Senate; Bill Hightower, Alabama State Senate; Patti Hurley, ADEM; Scott Hughes, ADEM
MBNEP Staff: Roberta Swann, Tiffany England, Rick Frederick, Christian Miller, Linda Sierke

Commissioners Merceria Ludgood and Charles ‘Skip’ Gruber welcomed participants. Speakers included Rep. Randy Davis, Patti Hurley, ADEM, and Christian Miller. The meeting was called to order by Commissioner Gruber, who welcomed the group to the meeting. Commissioner Ludgood moved to accept the minutes from the previous meeting, which was seconded by Mayor Murphy. Those present then proceeded to introduce themselves.

Next on the Agenda, Rep. Randy Davis provided the committee with an overview of Senate Bill 355 as it applies to local stormwater management. The legislation isn’t new, but amended to allow municipalities subject to EPA regulations the ability to carry out requirements through the development of Interco-operative public corporations for “efficient compliance with federal and state law, rules, and regulations relating to discharge into and from Municipal Separate Storm Sewers (MS4s).” Rep. Davis stated that MBNEP had been working with Baldwin County on this issue for some time. He noted the prior effort to develop a stormwater utility in Baldwin County had been wrongly labeled a “rain tax” by people who had not been involved in the process and not seen the issues related to stormwater degradation to local waterways and infrastructure.

Currently, municipalities are managing stormwater via property taxes and there are currently no funds specifically set aside for stormwater management. This legislation allows municipalities to act by incorporating to meet Clean Water Act requirements by providing a dedicated revenue stream to fund stormwater management. There are certain exemptions that apply to agriculture and utilities, which are subject to their own Federal regulations. The legislation clarifies a fee schedule, which can be no more than \$10/year for residential properties and no more than \$3,000/year

for commercial property. These fees would be collected quarterly, with 95% staying at the local level. Of the remaining 5%, 95% would go to ADEM solely to carry out duties related to stormwater laws/regs. The remaining funds would stay with the State Dept. of Revenue to cover administrative costs. There is a severability clause that allows for the legislation to be thrown out if any part is declared to be unconstitutional. The legislation was effective upon the signature of Governor Bentley which occurred on April 10, 2014.

Randy then presented some of the impacts/reports from the April 29-30, 2014 storm event that impacted Mobile and Baldwin Counties:

- Up to 25" of rain fell in coastal Alabama and west Florida which included reports of a 1hr storm total of 4.13" at University Blvd and Grelot Rd in Mobile and a 15 minute total of 2.5" at the USA campus in Mobile. Magnolia Springs reported 25.27" of total rainfall for the event.
- Mobile and Baldwin Counties were declared disaster areas with preliminary damage estimated at \$45 million in Baldwin County. MAWSS reported sanitary sewer overflows (SSO) totaling over 2.2 million gallons impacting Eslava Creek, Dog River, Halls Mill, Three Mile, Twelve Mile, and Mobile Bay. Riviera Utilities reported 661,000 gallons, with 3.5 million diverted to a stormwater attenuation pond for treatment at a later date. Waterbodies receiving SSO in Baldwin County include Wolf Creek, Bon Secour River, and Magnolia River.
- Randy pointed out the potential impact this could have on the local economy. The culvert at I-10 over D'Olive Creek is in need of emergency repairs. The shutdown of the "Dolly Parton bridge" on I-65 has had a tremendous impact on the community at the beginning of the travel/tourist season, and we are in danger of I-10 being shut down also.

Rep. Davis then continued to note that Jefferson County had over 27 million gallons of SSO impact local waterways in May 2014, and then made the point that they are located in the Mobile Bay watershed. Jefferson County is bankrupt and has over a billion dollars of deferred maintenance to address issues related to stormwater/SSO. This legislation does nothing unless enacted on the local level. Randy said that ADEM should be funded adequately so the State can avoid Federal intervention.

Commissioner Ludgood asked if this legislation allows a municipality to establish a corporation to manage stormwater, and Rep. Davis reaffirmed that it did although the fees would be capped. Mayor Kant said that damages in Fairhope from the April storms exceed \$2 million dollars. Rep Davis encouraged communities to use any funds that would be generated by stormwater corporations as matching funds for Federal grants. He said that the funds can only be used for stormwater management. Sen. Hightower then asked whether there was any recourse from all the SSO that flows into Mobile Bay and impacts the seafood industry. Rep. Davis said it may be necessary to look at some new legislation.

Rep. Davis closed by stating how worried he was about the number of people in coastal Alabama who have dropped their insurance. As an example, he stated that in a recent tornado impacting Silverhill 10 homes were destroyed, five of which were uninsured.

SB 355 can be downloaded from the MBNEP website:

http://www.mobilebaynep.com/images/uploads/library/A0010523House_bill.pdf

Next on the agenda, Patti Hurley with ADEM's nonpoint source office of education and outreach gave a Nonpoint Source Education for Municipal Officials (NEMO) presentation. Patti said the NEMO program was designed to show why you should care about stormwater, by explaining the pollutants carried by stormwater and the impacts stormwater has on quality of life, infrastructure and pro. The old era of water pollution has ended. Point sources are now regulated, and it is now polluted stormwater runoff which is the #1 water quality problem in the US. This problem has increased due to land-use changes and the impacts of urbanization and increased impervious surfaces.

Pollutants in stormwater runoff:

- **Nutrients** (sources: fertilizers, animal wastes, and septic systems) cause excessive algal growth which can lower dissolved oxygen levels in water.
- **Sediment** (sources: roads, construction sites, agriculture, disturbed areas) is the primary pollutant world-wide, is eroded soil which smothers aquatic habitat, carries pollutants, and reduces water clarity.
- **Pathogenic bacteria** (sources: failing septic systems, animal waste, marine sanitation) are also a major source of water impairments, and the Fairhope beach and local shellfish beds face regular closures due to these pollutants.
- **Toxic Contaminants** (sources: industrial, commercial, household, and agricultural chemicals; auto emissions) are compounds like heavy metals and pesticides that can threaten the health of aquatic and human life, and are often resistant to breakdown.
- **Debris** (sources: illegal dumping, litter, boat waste) includes plastics and other trash that threatens aquatic life and detracts from recreational and aesthetic value.
- **Thermal Stress** (sources: runoff from parking lots/roads, removal of vegetation, shallow impoundments, and decreased base flow) is an elevation in water temperature that can harm native species while helping to spread exotic invasive species.

Patti said it is important to approach this holistically, and work in watersheds, not within political boundaries. Intensity of land use affects stream water quality within watersheds. As impervious surfaces increase, so does the potential for water pollution/impairments. Impervious surfaces are materials like cement, asphalt, roofing and compacted soils (golf courses and sod farms) that prevent percolation of rain. In Alabama, 50% of our drinking water comes from groundwater.

Next Patti addressed solutions, including conservation, planning, and adapting development and design principles that retain and restore the function of the landscape (i.e. promoting infiltration on-site). Low Impact Development promotes groundwater infiltration, is generally cheaper than traditional curb & gutter, easier to maintain, and look better. Codes and ordinances may need to be addressed in order to promote/incentivize the use of sustainable development practices. Patti stressed that this was a quality of life issue, as more people move to coastal Alabama to enjoy the natural beauty of the area we must be able to protect those very resources they are coming here to enjoy.

Next on the agenda, Mr. Miller discussed the effort by the MBNEP and partners to provide an educational tool for municipal officials that explains the steps necessary for MS4 communities to be compliant with stormwater management regulations. The MBNEP has developed a six minute video and informational brochure that is available for anyone who requests copies. Mr. Miller then played the video, "Understanding your Stormwater Management Plan" for the group. This video can be viewed here: <http://www.youtube.com/watch?v=6dUHk1zwn0g>

Rep. Davis remarked that the Joe's Branch restoration held up remarkably well during the April storm, and stated that the project should serve as a model for addressing similar stormwater-related problems in coastal Alabama. Commissioner Gruber reiterated the importance of the teamwork and effort that went into the project. Patty Powell said the project was an example of the role that the MBNEP can play in bringing all the different partners together and managing the project from the initial discovery of the problem through project completion. NFWF recently toured the site and was very impressed and pleased with how well the project stood up. Mr. Miller said the next meeting of the GNC would be July 25th at 7:30 AM at the Original Oyster House.

Meeting adjourned at 8:59 a.m.