



# BOROUGH OF BALDWIN

Marianne Conley, President  
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Chad Hurka  
Francis Scott

E. John Egger, Vice-President  
Patricia Boyer  
Denise Maiden  
David Depretis, Mayor  
Robert T. Firek, P.E., Borough Manager

February 4, 2021

**Subject: Borough Stormwater Services Fee Adoption (Full Version Available Online)**

Dear Baldwin Property Owner:

Beginning in 2003, all of Pennsylvania came under Federal/ State permit regulations (EPA & DEP) for stormwater requiring the Borough to perform certain inspections as well as repairs, maintenance and ongoing monitoring to our storm water system and the public streams in the municipality. Our system is defined as a Municipal Separate Storm Sewer System, or (MS4). To date, the Borough has been forced to spend Tens of Thousands of dollars yearly to comply with the permit, and is on-going with various activities that must be completed in specified years. In short, the Borough must meet these required deadlines or face excessive penalties. This isn't going away in the foreseeable future and we have years of work required with anticipated expenses totaling in the millions of dollars. You will see below a more technical explanation of this process. Unfortunately, this comes as an unfunded mandate from the Federal and State agencies. Unfunded meaning there is no money being made available from either the Federal or the State government to assist the Borough in meeting the requirements of the permit on a yearly basis. Baldwin Borough is not the only municipality or neighboring community facing this issue. We are all under similar permit requirements.

Stormwater discharges from both the Public and Private systems (including but not limited to overland water flow between and through private properties, springs, roof drains, etc.) within the Borough to the surface waters of the Commonwealth. In short, almost every drop of water that falls from the sky within the Borough is MS4 regulated by the Pennsylvania Department of Environmental Protection (PADEP) through what's known as an MS4 permit. This is a required process and not optional. To this effect, the Borough's MS4 operates as a public utility serving each property owner, or user of the MS4, throughout the Borough.

Over the past few years, the Borough has discussed this issue at public meetings, and published newsletter articles communicating how the Borough is required to address pollution reduction under its National Pollutant Discharge Elimination System (NPDES) General Permit issued by the PADEP. This permit requires us to implement plans to reduce the amounts of pollutants getting into our streams and waterways over the next several years, known as a Pollutant Reduction Plan, or (PRP). The Borough is mandated to design, implement, and construct PRP projects within the current five (5) year permit period, which ends in March 2023.

As the Pennsylvania Legislature has not approved enabling legislation to permit Boroughs to assess a stormwater fee, Baldwin Borough was essentially forced to create a stormwater authority for this dedicated purpose with the objective of creating a reliable funding source for these recurring expenditures, as opposed to a reliance on real estate tax increases.

Costs for MS4 activities are expected to continue to increase and increase dramatically over the next few years, with growing regulatory requirements and the need for the Borough to be more proactive with repairs, replacement, and maintenance of existing storm sewer systems, including requirements for new infrastructure necessary for regulatory compliance. Accordingly, the Borough commissioned a Stormwater Management Fee Study (SWMFS) analysis to establish the foundation of the Stormwater Service Fee. Unlike tax collections that fund general municipal purposes, the Stormwater Service Fee is a stable and reliable funding source dedicated to stormwater related activities and expenses, much like water and sewage charges are. **Unlike real estate taxes, exempt properties are also subject to this fee, making for a more uniform application of cost/benefit.**

Consistent with our neighboring municipalities and to fund the increased financial burden, Baldwin Borough has created a Stormwater Authority that will enable adoption of a Stormwater Service fee effective in 2021. The fee will be billed monthly to each developed property within the Borough beginning March 2021. As such, the rate has been established at **\$96.00 per year or \$8.00 per month** for each single-family detached residential property. This fee unit is identified as an Equivalent Residential Unit (ERU). An ERU is designated as 2,200 Square Feet (SF) of impervious surfaces (building roofs, paved surfaces, sidewalks, etc.) based the Borough's Stormwater Management Fee Study (SWMFS) Report and analysis. Non-single/multi-family properties, institutional, and commercial properties will be billed at a higher rate depending on lot size and number of ERU's per lot. Full details are outlined in the SWM Fee study, which is available on the Borough website ([www.baldwinborough.org](http://www.baldwinborough.org)). *Credits will be available to those owners whose properties comply with procedures outlined in the SWMFS for credit.*

Legal Tax Service, Inc., will conduct the billing operation on behalf of the Borough. These funds will be placed in a newly created Storm Water Fund Account, and shall be expended only for Stormwater related purposes. The funding will permit the Borough to meet the requirements of more stringent federal and state regulations for stormwater management, and provide enhanced maintenance and improvements to existing infrastructure.

Borough Council acknowledges that it was a difficult decision to create the stormwater authority as well as to assess the Stormwater Service Fee. However, in order to meet the challenges of increased regulatory pressure attributable with stormwater management, the fee assessment option in lieu of real estate tax millage increases will provide a reliable source of funding to meet these challenges. Council appreciates your understanding in advance as this new fee structure and associated inspection program continues to evolve.

Sincerely,

Robert T. Firek, P.E., Manager