

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:**       **ORDINANCE AMENDMENT** providing for the creation of a Stormwater Authority  
                  (Chief Administrative Officer).

**REPORT:**   1448-07

**ADVICE:**   Approval; Develop Regulations to be reviewed by City Plan Commission

### BACKGROUND

The Chief Administrative Officer has submitted a proposed new Ordinance creating a New Haven Stormwater Authority (hereafter Authority). The proposed Authority is enabled by Connecticut Public Act 07-154 where New Haven was one of three municipalities funded for a pilot program study which was completed and approved by the State on June 8, 2010.

As stated in the Order before the Board of Aldermen, a needs analysis (*Stormwater Management Pilot Program Study*) has identified the City's stormwater management needs that indicate more effective stormwater management in the City would contribute to the health, safety and welfare of its residents. The newly formed Authority would be responsible to establish, operate, maintain, control, and enhance the City's stormwater management system cooperatively with other water resource management programs within the jurisdiction. The cost of operating and maintaining the system and of financing improvements would come from individual property owners who would be assessed user charges based upon the impervious surface area of a parcel.

The four main advantages to create a Stormwater Authority are to consolidate operation under one entity rather than across multiple departments; to encourage environmental stewardship; to shift the cost burden from homeowners to property owners with more paved surface; and to protect the city from future liabilities regarding regulatory compliance and federal and state storm water-related mandates.

The Authority would be governed by a five-member board appointed by the mayor and subject to approval by aldermen. The board, which also will include one alderman, will submit a budget to the full Board of Aldermen annually as part of the regular budget process. Under the plan, the aldermen retain control over the Authority's budget.

### PLANNING CONSIDERATIONS

Under the proposed plan, residents would pay a small flat fee, probably no more than \$50 per year, while properties with parking lots and big buildings, including non profits such as Yale University and the City itself would pay more. Currently, homeowners bear 59 percent of the city's storm water costs, whereas residential properties account for just 23 percent of impervious surface areas. The concept is to switch from a taxpayer-funded system to a user fee-funded system to pay for storm water services such as maintenance, street sweeping, catch basin cleaning and other costs. The cost of managing storm water runoff in the city is paid for now through real estate taxes. Under the new system, the Authority would charge user fees based on the amount of "impervious surface" on the property, including parking lots, roofs and other surfaces that do not allow water to permeate the ground.

Additionally, the City is under Federal EPA order to separate its combined storm and sanitary sewers into separate systems and to eliminate any remaining combined sewer overflows discharging into Long Island Sound. While the City has separated the sewers in certain areas of the City, there remains a large area yet to be separated. Costs of doing this work are increasing while cost shares with the State of Connecticut are diminishing, therefore thrusting more responsibility on the City to continue the project.

Questions the Commission raises for the Board:

- How will amounts of impervious surface on a property be determined? By aerial map? By inspection? Will determinations be appealable? How and when will changes on a site be acknowledged?
- How will fines be collected from recalcitrant parties?
- If the City is subject to the user fee, where will the resources for the City's share be generated?

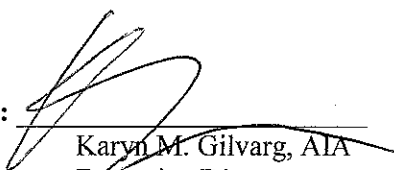
- What incentives are there to a LEED approach to stormwater management, users treating stormwater on site with no runoff or overflow to the City system? Credits are noted but who would determine?
- Will the Stormwater Authority own the physical system of pipes, catch basins, outfalls, etc.?
- Will the Authority need access to City records such as maps and Assessor's files?

**ADVICE**

As more detailed regulations will be necessary to support the creation of the Stormwater Authority, the Commission recommends approval of the creation of the Authority with detailed regulations to be developed. The Commission requests that should the Stormwater Authority be established and regulations drafted, they be referred to the Commission for review prior to adoption.

**ADOPTED:** January 19, 2011  
Edward Mattison  
Chair

**ATTEST:**

  
Karyn M. Gilvarg, AIA  
Executive Director