



Alabama Department of Environmental Management
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OCT 18 2016

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Mr. Charles F. Gruber
Baldwin County Commission, Chairman
Environmental Services Department,
312 Courthouse Square, Suite 12
Bay Minette, AL 36507

RE: MS4 Storm Water Fees

Dear Commissioner Gruber:

As you may be aware, Act 2014-439 amended Sections 11-89C-1, 11-89C-2, 11-89C-4, 11-89C-9, and 11-89C-10 of the Code of Alabama 1975. Chapter 11-89C of the Code of Alabama 1975 pertains to storm water discharges into separate storm sewer systems (MS4).

Section 11-89C-9(d) allows any governing body to establish, levy, and impose by resolution or ordinance, any revenue-raising measure within its jurisdiction, including, but not limited to, fees, charges, or assessments, without any referendum unless required by the Constitution of Alabama of 1901, deemed necessary to implement this chapter or to comply with all provisions of storm water laws subject to the limitations outlined in Sections 11-89C-9(d)(1)-(3).

Section 11-89C-10(c) states the following:

On a quarterly basis not later than the 20th day of January, April, July, and October, every governing body shall remit five percent (5%) of all fees collected pursuant to Section 11-89C-9(d) to the Department of Revenue. The Department of Revenue shall timely transfer ninety-five percent (95%) of the fees it receives to the State Treasury to the credit of ADEM to be used exclusively to pay the costs of performing its duties to carry out applicable programs pursuant to the storm water laws. The Department of Revenue shall retain the remaining five percent (5%) of the fees it receives as an administrative collection allowance.

The Department would like to have a more thorough understanding of the collection of stormwater fees throughout the State. Therefore, no later than November 18, 2016, please provide the Department with a written response to the following questions:

1. Is your county currently collecting stormwater fees? If so, by what mechanism and at what intervals are the fees being collected?
2. If your county is collecting stormwater fees, are these fees assessed on both residential and commercial property?
3. If your county is collecting stormwater fees, what year did the collections begin?
4. If your county is collecting stormwater fees, is the city meeting the requirements of Section 11-89C-10(c)?
5. If your county is not currently collecting stormwater fees, do you have plans to begin collecting fees in the future? If so, please provide a probable timeframe for initiation of the fees.

Thank you for your assistance with this matter. If you have any questions concerning this, please contact Jeffery Kitchens at (334) 271-7974 or at jwk@adem.alabama.gov.

Sincerely,

Glenda L. Dean

Glenda L. Dean, Chief
Water Division

File: CORS/24256

cc: Russell Kelly, Permits and Services

