

BAYTOWN'S MDUS (MUNICIPAL DRAINAGE UTILITY SYSTEM FEE) FAQs



In 1987, Congress amended the Clean Water Act to require a comprehensive nationwide program for addressing polluted storm water. The National Pollutant Discharge Elimination System (NPDES) is the resulting program. The Texas Commission on Environmental Quality (TCEQ) assumed the authority to administer the NPDES program in Texas. The Texas Pollutant Discharge Elimination System (TPDES) is the resulting program in Texas.

NPDES and TPDES mandate that cities comply with storm water regulations. There is a cost to comply with the mandate and each city is responsible for funding their program. The City of Baytown has developed a Storm Water Management Program (SWMP) to comply with this unfunded mandate and has adopted an MDUS fee to fund the program. This brochure provides the answers to FAQs about our fee.



Monthly Fee for Commercial/Industrial Property

Number of Single Family Living Unit Equivalents	Monthly Charge*
5 or less	\$1.71
6 to 10	\$5.13
11 to 15	\$8.56
16 to 20	\$11.98
21 to 25	\$15.40
26 to 30	\$18.83
31 to 35	\$22.25
36 to 40	\$25.67
41 to 45	\$29.10
46 to 50	\$32.52
51 to 60	\$37.66
61 to 70	\$44.50
71 to 80	\$51.35
81 to 90	\$58.20
91 to 100	\$65.04
101 to 150	\$85.58
151 to 250	\$136.93
Over 250	\$205.40

*Rate structure adopted October 14, 2004

Is there additional information regarding the City's Storm Water Program?

Storm water pollution is one of the biggest threats to the health of our creeks and bayous. In urban areas like the City of Baytown, the problem is magnified by widespread development which covers previously undisturbed natural areas with impervious structures such as rooftops, roads, and parking lots. The rain that used to soak in the ground now becomes urban runoff—a mixture of rain and assorted pollutants.

The City of Baytown's Storm Water Program aims to decrease the amount of pollution that enters our creeks and bayous so that we can continue to swim and fish in those waters without concern for our health and safety.

Citizens can access additional information at the web addresses listed below:

- <http://www.baytown.org/public/stormwater/default.htm>
- <http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/ms4.html>
- <http://cfpub.epa.gov/npdes/index.cfm>

Or by calling (281) 420-5384.



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City of Baytown
Health Department
Storm Water Division
P.O. Box 424
220 West Defoe
Baytown, TX 77522-0424



Can I appeal the category assigned to my property for this fee?

The following matters may be appealed to the Construction Board of Adjustments and Appeals:

- Residential property billing can be appealed when the owner can offer proof that the property is unimproved; and
- Nonresidential property billing can be appealed when the owner can offer proof that an error was made with regard to the category of land development, that the land is unimproved, or the amount of imperviousness of the land development.

What is a MDUS fee?

The Municipal Drainage Utility System (MDUS) Fee is a service fee adopted by the City to fund the TPDES mandated activities not currently performed by other city departments or personnel. The fee is best described as a user fee since we all use the City's drainage system.

Why am I paying a drainage fee?

Just like water fees pay for drinking water service and sewer fees pay for wastewater collection and treatment, drainage fees will pay for the management and administrative functions of the SWMP required by the NPDES and TPDES.

How was the City authorized to adopt a fee?

The City of Baytown is authorized to adopt a MDUS fee by the Municipal Drainage Systems Act adopted as part of the Texas Local Government Code Title 13, Subchapter C, Section 402.047 Drainage Charges. As stated in the code, any governing body of the municipality may charge a fee for the drainage service.

When was the fee adopted and when did it go into effect?

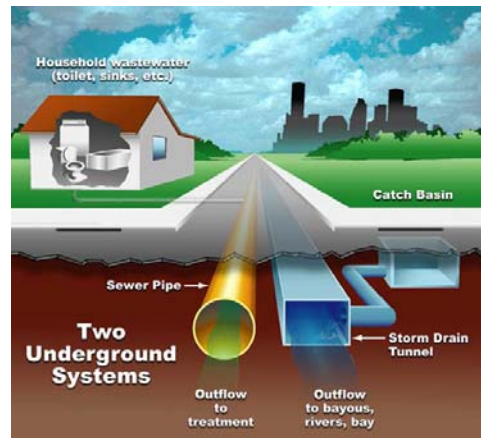
The process was conducted in two phases. First, an initial \$ 1 fee for all residents and businesses was adopted to pay for the storm water rate study. Based on the rate study the City Council modified the fee and adopted the new fee in October 2004. The fee became effective in December of 2004 and was billed in January 2005.

How was the public informed of the adoption of the MDUS fee?

The City of Baytown informed the public through notices posted in the *Baytown Sun* Public Notice section during the months of September and October 2003, for the \$ 1 fee and a notice was included on the bill in November and December of 2003. In addition, City Council held a public meeting on July 22, 2004 prior to developing the modified fee. Once the modified fee was adopted on October 14, 2004, the City provided another billing notification between October and November 2004 with the Health Department's number for additional questions.

How is the drainage fee different from my sewer fee?

The drainage fee pays for the SWMP which protects storm water flowing through storm sewers and ditches throughout the City. Storm water flows directly from our drainage system into our streams, bays and bayous and is not treated. The sewer fee pays for the wastewater collection, treatment, and disposal systems that begin at the drains inside your home or business.



What services does the fee cover?

The fee is required to develop, implement, and enforce the NPDES/TPDES program requirements for the six minimum control measures (MCM), which are currently under way. The City's SWMP details the best management practices we will conduct to meet the MCMs listed below:

1. Public education and outreach activities
2. Public involvement and participation activities
3. Illicit discharge detection and elimination program
4. Regulation and control of public and private construction site storm water runoff quality
5. Regulation and control of public and private post-construction storm water runoff quality
6. Pollution prevention and good house-keeping for all municipal operations

What happens if I do not pay my fee?

We would rather you pay your fair share to protect our creeks, bays and bayous from polluted storm water. However, if you do not pay your fee, the City has the option to terminate utility services provided to you, including water and sewer, or the City may file liens against the property.

Are there any exemptions or waivers for this fee?

Exemptions to the fee are as follows:

- State agencies, public institutions of higher education and the City;
- Property maintaining privately owned drainage systems and/or not discharging into the City's drainage system;
- Property maintained in its natural state; and
- A subdivided lot that has no occupancy or proprietor.

How is the MDUS fee calculated? Do all the residents and businesses have the same standard fee?

The fee is based on the amount of impervious surface area within a property. Impervious surface areas are defined as areas composed of any material that prevents or impedes natural filtration of water into the soil. Impervious areas are parking areas, roofs, decks patios, sidewalks, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.

Residential property has been assigned a standard fee of \$ 0.68, based on a single family living unit equivalent to 1,979 square feet. Commercial and industrial businesses fall into 18 categories shown in the chart on the following page. Businesses are assigned a category based on the number of units of impervious area found on the property.

