

Urban Stormwater Mitigation Task Force

The Urban Stormwater Mitigation Task Force seeks an Environmental Protection Agency (EPA) incentive program that directs research, education, and grants to developers, community organizations, and municipal planning agencies utilizing better stormwater management designs that incorporate trees and green infrastructure. The purpose of the legislation is to mitigate the construction of stormwater treatment infrastructure needed to capture increased volumes resulting from replacing green infrastructure with non-pervious surfaces during development.

Contrary to pop media stories that all trees planted near levees or sewer lines cause breakage problems, there are actually great synergies between trees and stormwater systems. Tree roots actually stabilize soil, prevent erosion by trapping soil, and hold stream banks and levees in place to protect against flooding. One tree reduces 350 gallons of storm water runoff annually, and every 4 million trees saves \$14 million in annual stormwater runoff costs. (Center for Urban Forest Research)

EPA

- Create the Urban Stormwater Mitigation Program with related guidelines. Mandate that all agencies that receive federal funds from this program implement the latest Urban Stormwater Mitigation Program guidelines. Science-based tree-siting guidelines should ensure that trees are not planted in locations that will disrupt pre-existing infrastructure. Consultation during the development of these guidelines must be provided by Technical Advisory Committees that are composed of local planning and arboricultural/watershed management experts. The program will also create an educational campaign that highlights the synergies between trees and stormwater systems, and emphasizes planting the right tree in the right place.
- Designate an applicable EPA department- or fund a national NGO such as the Alliance for Community Trees- to provide outreach and education needed to heighten awareness and inform constituents about the importance of trees for watershed management.
- Designate an applicable EPA department to collect information- or fund a national NGO such as the Alliance for Community Trees to create a reporting method that includes detail such as: stormwater volumes, stormwater treatment costs, and existing urban forestry data related to neighborhoods and municipalities benefiting from this program. Require municipalities, counties, or other participating agencies to include an annual review that:
 - Compares stormwater quantities with tree canopy cover.
 - Outlines a 10-year plan for including greening in urban planning and stormwater mitigation efforts.

- Establishes a goal for minimum canopy cover or greenspace and timetables within which to achieve those minimums: 25% overall city/county and 30% in areas zoned commercial and industrial.
- Designates a staff member responsible for tracking and educating intra-agency, partnering agencies, and local citizens.
- Encourage EPA to develop working partnerships that are aimed at increasing understanding of and communication with national and local urban forest organizations.
- Require that all municipalities or other participating agencies include a three-year plan for post-planting tree care as well as a minimum canopy cover goal of 30% for developments targeted to benefit from this program. At minimum, trees shall be selected and installed based on appropriate International Society for Arboriculture (ISA), American Planning Association (APA), American National Standards Institute (ANSI), and best management practices design guidelines and industry standards.
- Require 50% stormwater retention and flow reduction for new construction and major rehabilitation projects. Portland and Chicago already do this. Also construct green roofs on all feasible new and reconstructed school and community center rooftops.

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Implementation

- Create incentives that give preference to priority economic stimulus/retail zones in low-income neighborhoods and flood zone areas. One approach could be to award grants on a competitive basis, and award points for location priority. A minimum of 50% of program funds must go towards expenses for plant materials and other green infrastructure expenses including tree space preparation, irrigation, and maintenance.
- Require municipalities to give priority in awarding grants to projects that meet a verified level of existing and projected stormwater, with additional points for more rigorous standards such as green infrastructure designs.
- Require municipalities and other participating agencies to partner with an Alliance for Community Trees certified tree-planting organization(s) who will

ensure proper tree planting, maintenance, and at least three years of plant survival or replacement.

- Require municipality planning commissions and other participating agencies to require developers, surveyors, and citizens to submit a site evaluation/analysis of all existing green infrastructure features along with their plans to each applicable planning board/commission. At minimum, 20% of healthy trees must be preserved for stormwater control.

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Funding

- Provide loans or grants to state, county, or municipal agencies and nonprofit organizations for this program. Pay loans back through the savings accrued from stormwater cleanup/sewer savings.
- Make available Water Revolving Loan Funds for greening-stormwater partnerships that comply with this program. This includes new projects as well as rehab projects (replacing gray infrastructure with green infrastructure). At least 5% of all Water Revolving Loan Funds shall go towards green infrastructure expenses including preparing tree planting spaces, trees, and tree maintenance.
- The Clean Water State Revolving Fund program, which has been in place since 1987, received \$4 billion from the American Recovery and Reinvestment Act of 2009. The Drinking Water State Revolving Fund program, in place since 1997, received \$2 billion. There are several ways in which states, communities, and individuals can use the Clean Water State Revolving Fund (CWSRF) to finance green infrastructure projects (see EPA's fact sheet on green infrastructure and CWSRF at http://www.epa.gov/npdes/pubs/gi_cwsrf.pdf).
- Municipalities, counties, and other participating agencies that assess Stormwater Utility fees must designate at least 10% of such monies for greening-stormwater projects such as tree plantings. For example, in Philadelphia the Water Department has such a policy for new or re-development approval.
- Require a cost sharing match of 80/20 (federal to state/municipal/other non-Federal funds). For example, the State Water Revolving Fund.

- As part of the American Recovery and Reinvestment Act of 2009, States have until June 17, 2009 to solicit green projects for the State Revolving Loan Funds unless at least 20% of their intended use plans are already green projects. "Green projects" is defined per EPA. No state match is required (never any project level match)
- Secure appropriations funds for the Watershed Forestry Program. The program was authorized in the most recent Farm Bill (April 2009), but it has not had any success at getting funded. Steve Koehn, the State Forester for Maryland, was a big proponent. It's a cooperative program of the Forest Service with similar authorities to the U&CF program, so you'd still be dealing w/ the Forest Service, but there's the potential if interested.

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Partners & Other General Policy Ideas

- Could attach to:
 - H.R.1262, Water Quality Investment Act of 2009 (Oberstar- MN).
 - H.R.1310, Clean Water Protection Act (Pallone- NJ), regarding fill material.
- Expand criteria under the Community Reinvestment Act (CRA) to encourage investments in green community redevelopment efforts. Integrated neighborhood planning and efforts that promote the creation of green collar jobs should all receive specific and additional credits in compliance with the CRA.
- Provide standards, planting designs, and scientific studies for trees as water sponges. In some cases, trees are incorporated into bioswales as a means to grab water, hold soil, improve infiltration, etc.
- Set a formula for how many trees must be strategically planted to capture a given amount of stormwater runoff tied to the amount of surface area installed.
- Incentives for municipalities to create a stormwater utility to separately charge for stormwater wastewater. Over 500 municipalities structure wastewater and drinking water fees separately.
- APA's priorities regarding water include: ensure water quality and improve water infrastructure investment, increase federal funding for water infrastructure,

increase accountability, target investment, and promote improved planning in sensitive areas. More generally, one of APA's policy objectives is: Build Safe Communities. This includes: Support programs to provide resources for local governments to improve mitigation planning, modernize planning and building regulations, conduct critical infrastructure threat assessments, and acquire technology for advanced visualization and scenario planning. Ensure adequate implementation of national flood insurance reform and continue to support key disaster mitigation programs, such as flood map modernization and pre- and post-disaster mitigation funding.

- Potential Partners and Models:
 - Stormwater management bill passed in New York City in 2007/08 includes trees. Sustainable South Bronx was a part of making this happen.
 - North East Trees stormwater management design charette.
 - EPA has an unfunded mandate- National Pollutant Discharge Elimination System (NPDES)- whereby the federal government deals with this incredibly local issue. They could have good insight on how to proceed.
 - Virginia Tech and the University of California- Davis just released a relevant report.
 - Center for Watershed Protection standards.
 - http://www.naco.org/Template.cfm?Section=New_Technical_Assistance&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=62&ContentID=26019

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