

Department of Public Works				
Directive: Departmental Regulation	Number:			
Subject: Stormwater Utility Credit Criteria	Last Revised: N/A	Last Review: N/A	Next Review:	
Approved: _____	Effective Date: January 1, 2007			
Director of Public Works				

I. Purpose

The goal of the Stormwater Utility is to provide a cost-effective program to reduce pollutants in stormwater runoff. The Stormwater Utility provides funding for the local stormwater management programs through a monthly user-charge assessed to all developed property owners. The user-charge is based on each parcel's contribution of stormwater flow to the local drainage system and regional water quality control facilities. See City ordinance Sec. 26-431 through 434 (attached).

In order to properly achieve this goal, certain properties should be provided the option to receive fee adjustments (credits) due to special considerations. These adjustments would encourage the use of methodologies to reduce pollutants and significant increases in peak stormwater runoff. While private stormwater management facilities (or BMPs) are constructed and operated privately, public facilities are operated at public expense. However, public BMPs tend to be "regional", serving multiple properties, and regional BMPs *are* generally recognized as more effective and efficient than smaller, individual-lot BMPs. Recognizing both the desirability of public, regional BMPs and the fact that they require public expense to operate and maintain, this credit system applies a partial credit factor of 50% to public BMPs.

II. Policy

A. General

When new properties are brought into the utility system, fees will accrue commencing with the issuance of a certificate of occupancy (C.O.) on any property calculated at one ERU or the issuance of a valid building permit for any

property calculated at greater than one ERU, or upon completion of any construction which contributes impervious surface area where no certificate of occupancy is issued or required for such construction. A bill will be issued in the next billing cycle and will be prorated for the number of full months in which service was provided. For phased commercial development on large sites, contact the Stormwater Billing Office for a determination of the timing for billing of development phases.

Stormwater fee credits are not automatically established but must be applied for by the property owner.

Credits are **only** available to non-residential property owners. This does however include multi-family properties (i.e., apts.) since they contain more than 1 ERU. Since the minimum fee is equivalent to that of 1 ERU, single family property owners can not qualify. Credits are applied after a complete application (including plans, drainage calcs, etc.) is submitted to, and approved by, the Drainage Engineer. Credits become effective the 1st day of the month following date of approval and execution of a Maintenance Agreement.

The Drainage Engineer reviews and approves any credits. The percentage of credit for both quantity and quality varies based on the contribution to the City's SW system as determined by the Drainage Engineer from the information he receives.

Stormwater Utility fee credits are available by providing water quality improvements and/or water quantity improvements (reduced peak discharge). In order to qualify for one or both of these credits, an application form must be submitted which shows compliance with this policy..

The credit system consists of a two-part credit where each part allows for a 20% reduction in the stormwater utility fee for privately owned and operated systems.

Any credits provided, water quality or water quantity, shall be reduced by half (50%) if a public facility is used to accomplish the reduction. This reduction in credit is necessary since the City must maintain the system. The 50% reduction applies only to the credit and not the total stormwater fee.

However, in no case shall the credit reduce the minimum fee less than that generated by one (1) Equivalent Residential Unit (ERU) at the current utility rate.

B. Applicability

Credits can accrue to any property upstream of and served by a qualifying stormwater treatment facility. Credits can be applied to that portion of the site

that complies with the following criteria.

1. Water Quantity

A stormwater quantity utility fee credit is available by submitting an application and supporting calculations which show that the post development site stormwater discharge has been withheld to "undeveloped" runoff levels by a BMP. In this instance, the term "undeveloped" shall be defined as the site having a runoff coefficient of 0.2 (using the Rational Method) and a rainfall time of concentration representative of the undeveloped site configuration and topographic characteristics. Other drainage calculation methodologies, acceptable to the Director of Public Works, may be used, provided comparable curve numbers, coefficients, etc. are used which reflect similar levels of development.

2. Water Quality

A stormwater quality utility fee credit is available by submitting an application and supporting calculations which show a structural BMP meeting the required removal efficiency. Calculations are required that demonstrate no net increase in non-point source pollutants other than what would be produced by an equivalent area with an equivalent impervious cover for the watershed. Pollutant loading calculations must be in accordance with the Chesapeake Public Facilities Manual Volume I.

C. Procedures

a. Calculations demonstrating compliance with the credit requirements shall be performed by a Virginia Registered Professional Engineer or Certified Land Surveyor. (Methodology shall conform to those set out in Volume I of the Chesapeake Public Facilities Manual. New calculations or copies of the original calculations demonstrating compliance shall be submitted to Public Works along with the application for the stormwater utility credit.) Also, inspection and maintenance records and plans and schedules for continued inspection and maintenance of the BMP should be included.

Some large subdivisions (e.g., Greenbrier) have regional, project-wide BMPs which may qualify most or all properties within the limits of their watershed for credits. In such cases, calculations showing compliance may be able to be done once, on a watershed-wide basis. Applicants seeking credits in such areas should contact the engineering firm of record for the overall project.

Also, even on smaller projects with existing, single-site BMPs, the

engineering firm of record may be able to use the original calculations to show compliance, with a level of effort much less than doing calculations "from scratch."

- b. For exemptions, 100% credit, the following information shall be submitted:
1. Copy of the facility's current VPDES permit
 2. Detailed site plan including topography, showing locations of all storm drains and end-of-pipe locations. Site plan should also show the direction of flow of surface stormwater runoff.
 3. Control number for all stormwater utility bills.

Applications for a stormwater utility credit should be submitted to:

Stormwater Utility Credit
Senior Drainage Engineer
Department of Public Works
P. O. Box 15225
Chesapeake, VA 23328

Public Works will review the credit request within 60 days upon receipt of a complete application, complete calculations and all necessary supporting plans, drainage area maps and drainage summaries.

Prior to receiving a water quantity or water quality credit, the landowner shall enter into a City standard agreement ensuring proper maintenance of the facility and permitting inspection by Public Works personnel. The standard private or public impoundment agreements are satisfactory for this purpose.

Once the calculations are approved and the City receives a copy of a properly executed maintenance agreement, the credit will become effective at the beginning of the following month.

D. Application Forms

**CITY OF CHESAPEAKE
APPLICATION FORM FOR STORMWATER UTILITY CREDIT**

APPLICATION NAME: _____ DATE: _____

PROPERTY OWNER NAME: _____

PROPERTY ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____ TAX PARCEL ID NUMBER: _____

_____ WATER QUALITY 20%

_____ WATER QUANTITY 20%

_____ PRIVATE BMP

_____ PUBLIC BMP

_____ TOTAL CREDIT % LESS 50% REDUCTION IF PUBLIC BMP

SIGNATURE: _____ (SEAL)

DATE: _____

CITY OFFICE USE ONLY

APPLICATION RECEIVED BY: _____ DATE: _____

APPLICATION REVIEWED BY: _____ DATE: _____

FEE REDUCTION:

QUALITY (_____ AC) (0.20) (_____) =

QUANTITY (_____ AC) (0.20) (_____) =

MAINTENANCE AGREEMENT:

CREDIT RECOMMENDED FOR APPROVAL: _____

CREDIT APPROVED: _____

EFFECTIVE DATE: _____

Chesapeake City Code - Chapter 26 – ENVIRONMENT – Article VIII Stormwater Management – Division 12 Credits, Exemptions, Appeals and Adjustments of Fees

DIVISION 12. CREDITS, EXEMPTIONS, APPEALS AND ADJUSTMENT OF FEES

Sec. 26-431. Credits.

(a) The city recognizes that the use of detention and other best management practices may result in some savings to the city in maintenance, operation and capital costs associated with the city's stormwater management program. However, since the exact extent of these savings are unknown at this time, the city shall institute a 20 percent credit for all properties until June 30, 1997. Nevertheless, no property shall have a fee less than the rate established for one ERU. During this period, the director of publicworks shall complete the technical studies necessary to develop an equitable system of credits.

(b) The 20 percent credit shall be null and void and thus no longer in effect on July 1, 1997. In place of the 20 percent credit, the director of public works shall institute the following credit system based on the technical information accumulated during the initial years of the program:

(1) The director of public works shall develop and administer procedures whereby property owners can receive credit for on-site control of stormwater runoff by petitioning the director in accordance with section 26-433. Such credit will consist of a partial exemption from user charges. Precise determination of the magnitude of the credit will depend in part on calculations made by the director of public works as to the extent of the control provided by the property owner. The director shall consider the degree of control of both quantity and quality of stormwater when determining such credits. In addition, the director shall consider future responsibility for maintenance when determining credits. In no case shall the user charges be reduced to an amount less than the rate established for one ERU.

(2) Any credits allowed shall remain in effect so long as:

- a. The owner of such system has obtained the proper permits and constructed the facilities in accordance with plans approved by the department of public works;
- b. The owner remains responsible for all costs of operation and maintenance of the system; and
- c. The director has access for inspection of the owner's system to determine if it is in compliance with the system's design and maintenance standards and functioning properly.

(3) The director may require the owner requesting a credit to provide supplemental information, at the owner's expense, that may be relevant in determining if a credit is warranted. Failure to provide such information within 30 days of the request may result in the denial of the credit.

(4) The director shall, within 60 days of the initial request or submittal of supplemental information, whichever date is later, make a written determination as to a credit request. Any requests granted shall be prorated monthly. The owner shall have the right to appeal to the stormwater committee any adverse decision by the director in accordance with section 26-434. (Ord. No. 92-O-168, § 23A-8, 11-24-92; Ord. No. 95-O-070, 4-11-95; Ord. No. 96-O-172, 11-12-96; Ord. No. 97-O-042, 5-13-97; Ord. No. 00-O-105, 9-12-00)

Sec. 26-432. Exemptions.

(a) Undeveloped land shall be exempted from stormwater utility fees.

(b) Roads and public street rights-of-way maintained by the city shall be exempted from the stormwater utility fee because they function as part of the stormwater collection and conveyance system.

(c) Any federal, state or local agencies which own and provide for maintenance of storm drainage and stormwater control facilities that drain into U.S. waters are exempt from stormwater utility fees.

(d) Any agricultural land used for the tilling, planting or harvesting of agricultural, horticultural or forest crops shall be exempt from stormwater utility fees; provided, however, that residential houses located on agricultural land shall not be exempt from being charged the residential utility rate.

(e) Any person who owns and provides for complete private maintenance of storm drainage and stormwater facilities, provided such person has obtained the proper permits from the Department of Environmental Quality.

(f) Effective July 1, 1997, any roads or public street rights-of-way that are owned and maintained by state or local agencies.

(Ord. No. 92-O-168, § 23A-9, 11-24-92; Ord. No. 95-O-070, 4-11-95; Ord. No. 97-O-042, 5-13-97; Ord. No. 00-O-105, 9-12-00)

Sec. 26-433. Adjustment of fees.

Petitions for adjustments of the stormwater utility fees shall be submitted to the director of public works, who shall be given authority to administer the procedures and standards and review criteria for the adjustment of fees as established herein. The following procedures shall apply to all adjustment requests for the stormwater utility fee; however, in no case shall the fee be adjusted to a fee lower than the rate established for one ERU:

(1) Any owner of property who has paid a stormwater utility fee and who believes the contribution rate component of the stormwater utility fee to be unjust or inequitable or any owner who has property or a portion of property that does not drain into the city stormwater system and has acquired any necessary permits from the Department of Environmental Quality or the Environmental Protection Agency may, subject to the limitations set forth in this article, submit an adjustment petition to the director.

(2) All adjustment petitions shall be submitted within 30 days of the bill date, shall be in writing and shall set forth, in detail, the grounds upon which relief is sought.

(3) The owner petitioning for the adjustment may be required at his or her own cost to provide supplemental information to the director including, but not limited to, survey, data and engineering reports approved by either a licensed professional land surveyor or engineer. The owner must provide the supplemental information within 30 days of the director's request. Failure to provide such information in a timely fashion may result in the denial of the adjustment request.

(4) The director shall have 60 days from the date of the filing of the petition or the date the owner submits all requested supplemental information, whichever date is later, to provide a written determination to the owner. Any adjustments granted will be prorated monthly. The owner shall have a right of appeal to the stormwater committee any adverse decision by the director in accordance with section 26-434.

(Ord. No. 92-O-168, § 23A-10, 11-24-92; Ord. No. 95-O-070, 4-11-95; Ord. No. 97-O-042, 5-13-97; Ord. No. 00-O-105, 9-12-00)

Sec. 26-434. Appeals.

(a) Upon receipt of a written denial of a petition for an adjustment or credit request from the director, the owner may, within 30 days of receipt of such denial, apply to the stormwater committee.

(b) No appeal petition shall be accepted for filing unless the owner, at the time of filing, pays a fee of \$25.00 to partially compensate the city for the direct and indirect administrative expenditures and costs. The owner must comply with all rules and procedures adopted by the stormwater committee when submitting an appeal petition. Failure to comply with all rules and procedures shall be grounds for denial for the petition.

(c) All appeals to the stormwater committee shall be filed with the director of public works, who shall then forward the petition to the full board.

(d) The stormwater committee shall have full authority to affirm, modify, reverse or set aside the interpretation, ruling or decision appealed from. In evaluating the appeal, the board shall determine whether the decision of the director was issued in compliance with the intent, standards, policies and criteria established by this article and the department of public works.

(Ord. No. 92-O-168, § 23A-11, 11-24-92; Ord. No. 97-O-042, 5-13-97; Ord. No. 00-O-105, 9-12-00)