

STORMWATER MANAGEMENT UTILITY FEE CREDIT POLICY

A. Background

The Stormwater Management Utility Fee is established in the City of Greenville Code of Ordinances Chapter 19, Article 19-7, Section 19-7.4. Given that all parcels of real property in the City, particularly those with improvements, use and benefit from the stormwater management system that is owned and maintained by the City, the Fee was established to fund the ongoing maintenance and upgrade of said system. All properties, developed or undeveloped, taxable or nontaxable, are required to pay the Fee in full. The Fee is reasonably determined and equitably distributed to real property based on relative impervious (non-absorptive) ground cover.

B. Purpose

As part of the Stormwater Ordinance, a provision was made for the Stormwater Management Utility Fee structure to offer a system of adjustments, or credits, to the Fee for properties on which stormwater management facility construction, or other comparable provisions of design and construction of the premises, substantially mitigates the effect of stormwater runoff from the property on the City's stormwater management system or materially reduces the cost for the City to provide a stormwater management system. Mitigations to the quantity of runoff as well as the quality of the runoff are to be considered.

In addition, in as much that the City of Greenville is required by our NPDES MS4 Permit to educate the public about surface and groundwater resources and the effects of urbanization on these resources, provisions are also contained herein to allow credits for educational institutions that provide and/or promote educational activities that support the City's education outreach goals.

The City Engineer or his designee is the Administrator of the Stormwater Utility Fee Credit Program.

C. Applicability

Any commercial, industrial, institutional or multi-family residential property that is subject to the stormwater utility fee may be eligible for a reduction in the Fee in accordance with requirements as outlined herein.

The City of Greenville Engineering Division will evaluate each case individually in determining the appropriate level of credit.

D. Credit Schedule

A total maximum credit of up to 40% reduction in the Stormwater Management Utility Fee may be granted. The credit will be applied by reducing the number of billable equivalent residential units (ERUs). The minimum adjusted ERU is one.

Most credits are offered on an annual basis subject to submission of necessary documentation each year. The credits for construction or modification of detention facilities are assessed only once for the lifetime of the facility. For continuing credit after addition or modification of detention, see credits available for maintenance of stormwater management systems.

Credits may be granted for an acceptable post-construction water quantity control or water quality facility. The following criteria apply:

- a) The maximum credit for acceptable water quantity control measures is 40% with the exception of the **single** year credits assigned for addition and/or modification of detention facility, which are 100% and 50% respectively.
- b) The maximum credit for acceptable water quality measures is 40%.
- c) The credits for acceptable water quantity control facilities and water quality facilities are cumulative, but shall not exceed 40% total credit.

Credit for facilities will remain in effect as long as:

- a) If applicable, the post-construction stormwater control facility is contained within a recorded easement, or equivalent, restricting future changes in use.
- b) The facility is acceptable as described in this policy.
- c) The property owner and/or applicant remain(s) responsible for all cost of operation and maintenance of the facility.
- d) The facility is maintained in compliance with the applicable City of Greenville maintenance specifications and **annually submits records of said maintenance**. The City reserves the right to randomly audit each credit claim for compliance.
- e) The City is permitted access to the facility for purposes of inspecting the facility for compliance with design, maintenance and operating standards.
- f) There are no significant changes in land use or impervious surface within the watershed that is serviced by the facility.

E. Credit Schedule Detail

The following sections describe the available credit options in detail. To be eligible for these credits, an application from the property owner shall be submitted along with applicable supporting documents which may include but is not limited to construction drawings, engineering calculations, applicable stormwater permitting requirements. This requirement applies to new or additive credit for new site development, modifications and/or additions to an existing site, or retrofitting existing structures. In every case involving additions or modifications of a facility, the requirements for Stormwater permitting must be followed.

1) Water Quantity Credit

- a) Addition of a Detention Facility – A credit equal to 100% of the stormwater utility fee for a **single** year will be available for an individual parcel on which the property owners construct a detention or retention basin on an existing developed parcel that did not require stormwater detention at the time of development. This credit will be applied the year following the approval of the as-built certification. Stormwater detention should be designed in accordance with the current Stormwater Ordinance using a pre-developed curve number of 55. For credit for subsequent years, see item 3.
- b) Upgrade of an Existing Detention Facility – A credit equal to 50% of the stormwater utility fee for a **single** year will be available for an individual parcel on which the property owners retrofit an existing detention or retention facility to comply with the current stormwater ordinance where original requirements for facility were less stringent. This credit will be applied the year following the approval of the as-built certification. For credit for subsequent years, see item 3.
- c) Design of a Proposed Site Using Undeveloped Existing Conditions – Up to a 30% credit will be available for property owners who calculate the required stormwater detention for their site using a curve number of 55 (“woods in good condition”) for the entire extent of the site where existing conditions would otherwise be characterized by a greater curve number. This credit will not be applied where a river, creek, or natural body of water currently exists. Any owner that has been required to calculate their site’s hydrology using undeveloped (CN=55) existing conditions due to a penalty for grading without a permit shall not be eligible for this credit.
- d) Detention and Containment of Lower Frequency Storm Events – Up to a 20% credit will be available for property owners who construct or retrofit a detention facility that is designed to detain and contain lower frequency storm events than required by the Stormwater Ordinance. Properties that detain and contain the 50-year storm event will be eligible for a 10% credit. Properties that detain both the 50- and 100-year storm events will be eligible for the full 20% credit.
- e) Stormwater Discharge Elimination – Up to 40% credit will be available for property owners that install a structure or facility that eliminates all stormwater discharges. The intent of this credit is for the property owner to design and install a structure or facility that can treat, store, dispose, transpire, evaporate, infiltrate, or otherwise manage all rainfall events up to and including the 100-year storm event with no discharge. Due to difficulty in achieving the largest storm events, credits shall be prorated but considered

cumulative to 40% as follows: 10% for 2-year, 10% for 10-year, 10% for 25-year, 5% for 50-year, and 5% for 100-year.

2) Water Quality Credit

- a) Addition of Water Quality BMPs – Up to 40% credit will be available for property owners who construct water quality BMPs on an existing developed parcel that did not require water quality treatment at the time of development or on a new site that installs water quality BMPs when not required by the Stormwater and Land Management Ordinance.

The credit granted for installation of a water quality BMP shall be based on the following formula:

$$\text{Credit} = \text{Percentage of site's impervious area routed through BMP} \times \text{adopted effective water quality factor for BMP (from Table 2a)} \times 40\%$$

In the event that there are multiple areas, each with a different BMP, the credit granted shall be based on the following formula:

$$\text{Credit} = [(\text{Ratio of site's impervious area routed through BMP}_1 \times \text{adopted effective water quality factor for BMP}_1) + (\text{Ratio of site's impervious area routed through BMP}_2 \times \text{adopted effective water quality factor for BMP}_2) + (\text{Ratio of site's impervious area routed through BMP}_n \times \text{adopted effective water quality factor for BMP}_n)] \times 40\%$$

Where there are two or more BMPs in sequence (i.e. an open channel discharging through a bio-filter and into a detention pond) the adopted effective water quality factors shall be additive, with a maximum of 100%.

Table 2a – Water Quality Factors for Approved BMPs	
BMP	Adopted Effective Water Quality Factor (%)
Natural Stream Buffer (100' min. per side)	25
Natural Infiltration	65
Alternative Paving Surface	15
Detention Pond (Dry)	65
Detention Pond (Wet)	80
Stormwater Wetlands	80
Bio-filter	65
Media Filter (Manufactured)	65
Hydrodynamic Device (Manufactured)	35

All BMPs shown in Table 2a must be designed in accordance with the City of Greenville Design and Specifications Manual. Proprietary manufactured

devices must include bona fide third-party confirmation of pollutant removal efficiencies and other performance data using EPA and industry standards. All other water quality BMPs that are not listed in this chart will be considered on a case-by-case basis.

Example of Water Quality Credit Calculation:

Assume a 15 acre site with a total of 5 acres of impervious surface. The site has a wet detention pond to which 4 acres of the total impervious surface drain. This is the only water quality BMP utilized on the site.

$$\begin{aligned} \text{WQr} &= \text{Ratio of the site's impervious area routed through the BMP} \\ &= 4 \text{ acres} \div 5 \text{ acres} = 0.80 \end{aligned}$$

$$\text{Credit} = (\text{WQr} \times \text{WQf}) \times 40\%$$

Where: WQr = % of the site's impervious area routed through the BMP
WQf = adopted effective water quality water factor for BMP from Table 2a for wet detention pond = 80% or 0.80
40% = total available credit

$$= (0.80 \times 0.80) \times 40\% = 26\%$$

- b) Design of a New Site to Exceed Ordinance Requirements – Up to 30% credit will be available for property owners who install water quality BMPs that are designed to exceed the requirements of the Stormwater Ordinance. Properties that detain or otherwise treat 1.5 times the required amount of runoff will be eligible for a 20% credit. Properties that detain or otherwise treat 2.0 times the required amount of runoff will be eligible for a 30% credit.
 - c) Installation of Water Quality BMPs When Not Required – Up to 15% credit will be available for property owners who install water quality BMPs to meet ordinance requirements on a new site when not required by the Stormwater Ordinance. Design in excess of required treatment volumes shall be eligible for additional credits as stipulated in section 2b.
 - d) Acceptable post-construction water quality facilities must also produce bona fide third party testing results of product(s) used following EPA and industry standards which quantify the pollutant removal capabilities of the facility.
- 3) Annual Certification Credit for Existing Stormwater Quantity Control Structures
- A 10% credit will be available for property owners who inspect and maintain stormwater control structures and measures on their site and submit applicable certification documents on an annual basis. This credit cannot be applied when

the Annual Credit Certification is submitted as part of a requirement for stormwater credit for section 1 or 2 above.

An inspection report shall be prepared by a qualified professional to include each facility or BMP for which credit is sought. The inspection shall be performed within the preceding three months of the date of submission for credit and subsequent renewal each year. The owner should verify site documents of record with Administrator prior to performing inspection and maintenance to verify requirements for existing facilities.

The qualified professional must certify that:

1. The operation of the facility meets or exceeds original performance criteria.
2. The facility, if providing detention, maintains its volume as originally accepted, is stabilized, and its outlet structure is well maintained.
3. The facility or BMP has been inspected and maintained in accordance with written documentation on file with the City.

The report should also include recently dated photographs showing the condition (including any known damage or disrepair) of the facility or BMP. For stormwater ponds, these photos should include views of the outlet structure, all side slopes, vegetated littoral zones, a view from the downstream channel looking upstream at the dam and emergency spillway, a view from the dam showing the condition of the downstream channel, and a view of areas designed to catch sediment (if possible). Any other data to reasonably establish continued acceptable performance of the facility should also be included.

4) Education Credit for School Institutions

Elementary, middle, and high schools that provide educational activities regarding watershed pollution and protection, surface and groundwater resources, and the effects of urbanization on these resources will assist the City of Greenville in achieving public outreach and education as required by NPDES permit and may be eligible for a 20% reduction in the stormwater management utility fee for the school site. The credit is subject to the following conditions:

- a) The institution is an accredited K-12 educational institution that serves at least 50 students on a property parcel.
- b) The education outreach is designed to reach every student in the school at least once during their time at that school location.
- c) The educational activities shall consist of a minimum of one hour of instructional content specific to watershed education. Approved curriculum may include but is not limited to:

- Carolina Clear Watershed Lessons (<http://www.clemson.edu/public/carolinaclear/education/>)
- Project WET (www.projectwet.org)
- Wonder of Wetlands (http://www.wetland.org/education_wow.htm)
- Watershed Dynamics: Human Impact on the Watershed (<http://wd.northwestern.edu/curriculum/human-impact-on-the-watershed/>)

- d) The institution will provide documentation of curriculum taught and verification of the number of students that received instruction annually. Documentation should include specifics of curriculum and/or lesson plans. For lessons that are developed independent of curriculum listed above, prior review and approval of lesson plans by the Administrator is required to be eligible for the credit.

F. Maintenance

A signed maintenance agreement shall be required to obtain the stormwater fee credit for water quantity credit, water quality credit, or annual certification credit. The owner shall be required to maintain the facility or BMP per the requirements of the City of Greenville Technical Reference Manual and/or the manufacturer's recommendations. Failure to maintain the facility or BMP properly shall result in a notice of violation. Failure to correct the maintenance issues in the notice of violation will result in the credit being rescinded for at least one year.

G. Annual Renewal and Inspections

For renewal of the stormwater utility fee credit each year, the Annual Certification Credit Application Form must be submitted with an annual inspection report and all other supporting data. The Owner must submit the Certification to the City of Greenville Environmental Engineering Division between April 15 and May 15. All Certifications must be received by the close of business May 15. Late submissions will not be accepted under any circumstances. The City will issue a letter of acceptance or denial of the credit renewal request within 20 business days. Denied requests may be resubmitted addressing City comments and must be received no later than the close of business July 1. Only one resubmittal is permitted. The second review is the final decision for that calendar year. There is no further appeal.

The annual inspection report shall be prepared by a qualified professional for each facility or BMP for which credit is sought. The inspection shall be performed within the preceding three months of the date of submission for credit renewal. The qualified professional must certify that:

1. The facility or BMP has been inspected and maintained over the course of the year in accordance with written documentation on file with the City.

2. The operation of the facility meets or exceeds original performance criteria. Written documentation of any problems or deficiencies discovered during inspections, date of discovery, repairs made, date of repairs, photographs of the facility, and re-certification of the facility must be provided to the City. Note that all repairs must be accomplished within 30 days of discovery.
3. The facility, if providing detention, maintains volume as originally accepted, is stabilized, and its outlet structure is well maintained.
4. Any other data to reasonably establish continued acceptable performance of the facility.

The City may perform periodic evaluations of facilities and audit inspection and maintenance records. If a facility fails to produce the inspection and maintenance records attested to in the Annual Credit Certification, the property will owe all credits from prior years and will be prohibited from participating in the credit program for a period of five years. If a facility exhibits the need for repair or maintenance during an evaluation but regular inspection and maintenance records are available, a notice of violation will be sent to the property owner stating that improvements and/or corrections need to be made. If adequate improvements and/or corrections to the facility not completed or addressed within the time frame specified in the notice of violation, the credit for the following credit year shall be rescinded. In order to reinstate the credit, the owner must reapply using the procedures set forth in Section D. The owner will not be eligible for reinstatement of credits for a period of one year.

For the purposes of this program, qualified professionals are defined as a Professional Engineer, Tier B Land Surveyor, Certified Erosion Prevention and Sediment Control Inspector (CEPSCI) or Landscape Architect with CEPSCI certification. The qualified professional must have professional competence commiserate with the certifications being submitted and should meet all professional licensing requirements for work performed as required by state regulations.