



SAINT ALBANS
Vermont

City of St. Albans

Stormwater Utility Fee Credit Manual

Adopted by the St. Albans City Council on June 11, 2018.

1. Introduction

In May 2018, the St. Albans City Council established the St. Albans City Stormwater Utility. The basic purpose of the Utility is to administer the City's stormwater management program, including stormwater infrastructure maintenance and repair, permitting, and capital improvements.

The Utility provides a stable and adequate source of revenue for the City's stormwater management program that allocates the costs of stormwater services across every stormwater "user" in the City through a stormwater utility fee (or user fee). Impervious surface area on individual properties is the basis for the fee charged to property owners in the City. The stormwater fee that a property owner pays is directly proportional to the impervious surface found on the property.

The Stormwater Utility offers credits against the stormwater fee for stormwater service customers who undertake specific, approved actions that reduce the impact of stormwater runoff on the public stormwater system, or provide an ongoing public benefit related to stormwater management. A credit is an ongoing reduction in the fee. This manual details the policies and procedures for Stormwater Utility credits.

To qualify for a credit, the Stormwater Utility customer must completely fill out a credit application form and submit it to the Stormwater Utility. The application will be evaluated to determine the amount of credit that an individual parcel will be given. Eligibility for user fee credits is independent of the State stormwater permitting process. Properties both with and without valid State stormwater permits are equally eligible for user fee credits. These credits are discussed in the following pages.

2. Definitions

The following words, terms and phrases, when used in this Manual, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Credit An ongoing reduction in a property's normally calculated stormwater fee given for certain qualifying activities that reduce the impact of increased stormwater runoff resulting from development, or provide an ongoing public benefit related to stormwater management.

Customer or Stormwater Customer The person responsible for payment of the stormwater fee for a property. Typically this is the property owner, but can also be a tenant or leaseholder.

Equivalent Residential Unit (ERU) The base billing unit that is established for the purpose of standardizing stormwater fees and allocating costs, based on impervious surface, to different

property types. Under the City Stormwater Management and Operations Ordinance, an ERU shall equal the square footage that approximately represents the average of the area of impervious surface for all single family and two-family properties with total impervious surface less than 10,000 square feet in the City.

Eligible Property Properties eligible for stormwater fee credits are those assigned more than one ERU and condominium properties for which the total combined impervious equals more than one ERU.

ERU Rate The stormwater fee applied to each equivalent residential unit.

Impervious Surface Those manmade surfaces that cannot effectively infiltrate rainfall. Examples include but shall not be limited to paved and unpaved roads; rooftops; parking lots; decks; stationary vehicles and trailers; walkways and driveways; compacted gravel or soil surfaces, including those created through agricultural activities; swimming pools; the horizontal coverage of free-standing solar panels; storage areas; awnings and other fabric or plastic coverings; and other hardscapes, whether paved, brick, stone or concrete. Surfaces that are specifically designed and installed to directly infiltrate stormwater into the ground and that are functioning properly shall not be defined as impervious. Impervious Surface shall also mean the so-classified pixels and polygons contained within the geographic information systems data layers used from time to time by the City and its agents to establish ERU values for multiple parcels.

The Ordinance The City of St. Albans Stormwater Management and Operations Ordinance.

Stormwater Treatment Practice (STP) A specific device or technique, including a non-structural practice, designed to provide stormwater quality treatment and/or quantity control as defined in the *Vermont Stormwater Management Manual*.

Stormwater Precipitation and snowmelt that does not infiltrate into the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain.

3. Credit Policies and Instructions

(A) General Policies

- (1) Credit is given to eligible properties only, as described in the credit policies included in the Ordinance and presented in this manual.
- (2) Per the Ordinance, credits are only available to parcels assigned more than one ERU and to condominium properties for which the total combined impervious equals more than 1 ERU.
- (3) Multiple credits can be given to eligible properties. The total credit given to any property cannot exceed 50% of the stormwater fee for that property, as based on the number of ERUs assigned to it.
- (4) It is the responsibility of the stormwater customer to apply for stormwater credits, and to provide the necessary substantiating information with the credit application, as described herein.
- (5) Credit applications are available from the Office of Property Services. Questions relating to credits and credit applications should be directed to the Director of Planning & Development.

(6) City staff are not responsible for initiating, performing engineering calculations, or otherwise assisting with the preparation of credit applications.

(7) Credit applications will only be reviewed if they are filled-out completely. The review will be performed within four (4) weeks after the complete application is submitted.

(8) Per the Ordinance, credits may be awarded retroactively if approved by July 1, 2019. Thereafter, credits shall be applied to user fees on the next billing period after the completed credit application is approved. Otherwise, credits will not be applied retroactively and the Stormwater Utility will not refund any portion of the stormwater fees paid prior to the approval of the applicant's credit application.

(9) The credit will remain effective as long as the property is eligible to receive the credit, as per the credit policies defined herein.

(B) The Stormwater Treatment Practice (STP) Credit. The St. Albans City Stormwater Utility offers a credit to eligible properties that design, construct and maintain Stormwater Treatment Practices (STPs) as defined in the Vermont Stormwater Management Manual. This credit is offered under the premise that properties that properly utilize STPs can reduce impacts on downstream water quality, channel erosion, and flooding. However, when constructed improperly not maintained, these facilities can become ineffective in such impact reduction, and can even aggravate problems caused by stormwater drainage. Conditions and policies relating to the applicability of the STP credit are listed below:

(1) An STP credit will be available to eligible properties that design, construct and maintain Stormwater Treatment Practices that meet the treatment standards, sizing criteria, and/or non- structural criteria and restrictions that are set forth in the Vermont Stormwater Management Manual, as amended.

(2) The STP credit is a graduated credit that is based on the treatment standards that are implemented on an eligible property. A property can implement one or more of the treatment standards, adding credit percentages up to 50% of the total stormwater fee for that property. The total credit given to any property cannot exceed 50% of the stormwater fee for that property.

(C) Credits for Control of Stormwater from Off-Site Properties. Eligible property owners that construct and maintain STPs that control stormwater from other properties (i.e., "off-site" from the property on which the STP is located) are eligible to receive STP credits for the control of stormwater from the off-site properties, up to a maximum of 50% of the total stormwater fees for those properties. The credits for off-site properties will ONLY be applied to the stormwater fee assessed for the eligible property on which the STP is located. The off-site property does not have to be a credit-eligible property. The maximum credit that a property owner can receive for the control of stormwater from off-site properties shall never exceed 100% of the stormwater fee assessed for the property on which the STP is located. The stormwater utility will never under any circumstance provide a fee refund for unused STP credits for off-site properties. Additional credit will not be given for the control of stormwater runoff from off-site properties that are publicly owned.

(1) The STP credit for off-site property will be immediately discontinued if stormwater from the off- site property is no longer treated by the STP that had previously been granted credit for treating this stormwater. Off-site properties are under no obligation to continue discharging stormwater in the same manner that they were at the time credit was awarded. If stormwater is later treated by the STP after a credit has been discontinued, a new credit

application must be submitted for review and approval.

(2) If off-site conditions change and additional stormwater is treated by a credited STP, the property owner must provide a new credit application to receive credit for treatment of this additional stormwater. Additional credits must be requested and applied for and will not automatically be applied to the original STP credit.

(3) Multiple STP credits will not be awarded for the control and treatment of stormwater from the same impervious surface.

i. Credit for treating off-site stormwater will not be awarded if that stormwater is already part of an approved STP credit application.

ii. If STP credit is granted for treatment of stormwater from off-site property and the off-site property is later granted STP credit for providing treatment of this stormwater, the credit will be removed from the total that was awarded to the downstream property owner.

iii. Credit for treating stormwater from off-site property is awarded on a “first come, first served” basis. If two property owners have STPs that provide treatment for the same stormwater from off-site property, the property that first applies for and receives credit is awarded the credit. There will be no splitting or sharing of credit for off-site properties. The property owner is always given priority for awarding STP credit for treatment on their own property.

(D) Table 1 presents the available credit allocation for each treatment standard.

Table 1. STP Credit Percentages

Treatment Standard or Criteria	Credit Amount
Water Quality (WQ _v)	15%
Groundwater Recharge (Re _v)	15%
Channel Protection (CP _v)	15%
Overbank Flood (Q _{p10}) or Extreme Storm (Q _{p100})	10%
Non-structural practices	10%

(E) STP credits will only be applied to that portion of property or properties served by a stormwater treatment practice.

(F) STP Waivers. Properties that qualify for waivers of the Groundwater Recharge, the Channel Protection, the Overbank Flood, or the Extreme Flood treatment standards are not eligible for the STP credit for the treatment standard that has been waived.

(G) Overbank Flood (Q_{p10}) and Extreme Storm (Q_{p100}). A property cannot get an additional credit for providing both Overbank Flood and Extreme Storm STPs. Properties that implement

controls for both the Qp10 and Qp100 treatment standards will receive a maximum 10% credit for flood control STPs.

(H) Non-Structural Practices: The Vermont Stormwater Management Manual (VSMM) includes strong incentives to reduce impervious cover at a site through the specification of six non-structural practices. As stated in the manual, “the key benefit of non-structural practices is that they can reduce the generation of stormwater from the site and can provide partial removal of many pollutants and contribute to groundwater recharge.” The VSMM provides “stormwater credits” for the use of non-structural practices so that when they are employed on a site, the required treatment volumes for water quality (WQV) and recharge (ReV) are reduced. Similarly, the City Stormwater Utility recognizes the benefit that the City’s stormwater management system may receive from non-structural practices and will provide a credit against the stormwater fee for their use on a property. In general, all policies regarding the STP credit apply to the non-structural practices. Additional specific policies are listed below:

(1) Eligible properties that implement one (or more) of the following non-structural STPs are eligible for a maximum 10% credit. Non-structural STPs are not eligible for additional STP credits:

- i. Natural Area Conservation;
- ii. Disconnection of Rooftop Runoff;
- iii. Disconnection of Non-Rooftop Runoff;
- iv. Stream Buffers;
- v. Grass Channels; and,
- vi. Environmentally Sensitive Rural Development.

(2) Credits for non-structural practices will only be applied to that portion of property or properties served by the non-structural practice.

(3) The credit for the Environmentally Sensitive Rural Development (ESRD) non-structural practice will be applied to any common area(s) located within the ESRD that is charged a stormwater utility fee.

(I) Sufficient information must be supplied to the City Stormwater Utility to verify that STPs and non-structural practices, as designed and constructed, meet the treatment standards and criteria and/or restrictions as specified within the Vermont Stormwater Management Manual, as amended.

(J) An STP submitted for credit must treat the stormwater to the full extent of the treatment standard as specified in the *Vermont Stormwater Management Manual*, as amended.

(K) In order for an STP to receive credit it does not have to treat all the stormwater on a property. Credit can be prorated for STPs that treat a portion of the impervious area stormwater on a property as long as the STP meets the requirements of the *Vermont Stormwater Management Manual*. For example, if a property contains 4 acres of impervious surface and installs an STP that treats stormwater from 2 acres of impervious surface to the full extent of the Water Quality Volume standard as specified in the Vermont Stormwater Management Manual, then that site is eligible for 50% of the WQv credit. The site would receive a 7.5% reduction (i.e. the WQv credit is worth a 15% credit, $50\% \times 15\% = 7.5\%$) to its stormwater fee.

(L) STPs utilized at State permitted redevelopment sites that are designed to treat 20% of the Water Quality volume (WQv) are only eligible to receive 20% of the WQv credit amount ($20\% \times 15\% =$

3%).

(M) A STP is only eligible to receive credit for the treatment standards for which it meets in the *Vermont Stormwater Management Manual*. If a pond is designed to meet all CPv criteria, but does not meet all WQv criteria, only the CPv credit will be applied to the stormwater treated.

(N) STPs and non-structural practices must be operated and maintained in proper condition at all times to control stormwater runoff to the treatment standards and criteria and/or restrictions, as specified within the *Vermont Stormwater Management Manual*, as amended. If the applicant does not operate and maintain the STPs and/or the non-structural practices as required, the credit will be discontinued. Thirty (30) days' notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance. The Stormwater Utility may extend this notice period if deemed appropriate. STPs that receive permit coverage through the City's MS4 permit are eligible to receive credit as long as the applicant operates and maintains the STPs. Inspection and reporting conducted by City staff does not preclude these STPs from receiving credit.

(O) An incorporated condominium or homeowner's association may receive a credit for eligible STPs that are operated and maintained by the association. Credits issued to incorporated associations for STPs will be applied only to that portion of property or properties served by the STP.

(P) An STP owned by an incorporated condominium or homeowner's association, but operated and maintained by the City Stormwater Utility is not eligible for credit.

(Q) The City Stormwater Utility will not maintain, repair, permit or do any work on any private stormwater system infrastructure except for stormwater systems that have been formally acquired by the City.

(R) In the event that an STP for a given property is not located on the property, the applicant must provide a copy of an agreement between the applicant and the owner of the off-site STP establishing that the applicant has authority to and is responsible for maintaining all or a portion of the facility. In addition, the owner of the off-site parcel must provide a letter to the City Stormwater Utility indicating that they are in agreement with the information contained in the application for credit.

4. Credit Application and Approval Process

(A) Credit applications must include hydrologic calculations and an associated narrative demonstrating the stormwater treatment practice meets the technical criteria, design requirements and/or applicable restrictions set forth as specified within the *Vermont Stormwater Management Manual*, as amended.

(B) Credit applications for non-structural practices must include site plans or other engineering documents that demonstrate that the non-structural practice(s) complies with the "Minimum Criteria for Credit" set forth in the *Vermont Stormwater Management Manual*, as amended.

(C) All engineering calculations and drawings shall be prepared, sealed and stamped by a professional engineer registered in the State of Vermont.

(D) At the applicant's expense, the City may secure the services of a qualified third party professional engineer to assist in the review of an application.

(E) Credit applications for new construction may be submitted to the City Stormwater Utility at any time during the construction process. However, the credit will not be approved based on site plans alone. The credit application requires that the STP must be constructed and working in proper operating condition. Credit applications for new developments can occur as part of the normal development plan review procedures. The completed credit application should accompany the final plat for the site.

(F) A Right-of-Entry or easement, as applicable, must be granted to the City in order for the City to review and approve the credit application, and to perform occasional inspections. Right-of-entry is granted via the applicant's or property owner's signature on the credit application.

(G) If all requirements and conditions of this section are met, the credit will be granted upon successful completion of the credit application process and favorable on-site City inspection.