

Stormwater Utility Credit Policy Manual

Village of New Glarus



1.0 INTRODUCTION

On May 19, 2009, the New Glarus Village Board adopted an ordinance creating a Stormwater Utility. In establishing the stormwater utility, the Village recognized that certain properties may have less impact on stormwater utility costs than others in a similar rate class, either because of their geographic location, stormwater management practices property owners have implemented on-site, or because of other factors not identified in the original stormwater utility rate study. As a result, the Village has developed a Stormwater Credit System to provide owners of such properties with the opportunity to apply for stormwater utility credits. This document summarizes policies and procedures for determining eligibility for stormwater utility credits.

2.0 STORMWATER UTILITY RATE STRUCTURE

Stormwater service charges are based on Equivalent Runoff Units (ERU). One ERU equals the average impervious area on a typical residential property. Single-family residential parcels are assigned one ERU. In New Glarus, one ERU is equivalent to approximately 3,000 square feet of impervious area. The fee for nonresidential parcels is based on the number of ERUs. The number of ERUs is estimated by dividing the total estimated impervious area on the parcel by the typical residential impervious area. Appropriate credits will be provided to nonresidential parcels that do not fully utilize Village stormwater management facilities.

New Glarus's Stormwater Utility rate structure includes the following customer rate classes:

1. Residential – single-family unit –1.0 ERU
2. Residential – duplex: 0.5 ERU per each dwelling unit.
3. Residential – multifamily: (including apartments greater than or equal to 3 Units, Condominiums, and Mobile Homes) The charge per unit shall be calculated by dividing the number of ERU's calculated for the entire property by the number of units existing on the property.
4. Nonresidential – one ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1).
5. Undeveloped and Agriculture – no stormwater charge shall be assigned to undeveloped or agricultural land.

The stormwater user fee for each rate class includes three distinct components:

- a. Base Component: The Base Component shall include the Stormwater Utility's estimated annual administrative and management costs, water quality costs and other costs not in the components described below. The Base Rate shall be calculated by taking the sum of all Base Component costs and dividing that by the estimated number of billable ERU's.

- b. Operation and Maintenance Component: The Operation and Maintenance Component shall include the Stormwater Utility's estimated annual operation and maintenance costs for the Village's stormwater management system. The Operation and Maintenance Rate shall be determined by: (1) taking the sum of all Operation and Maintenance Component costs, (2) dividing that amount by the ERU's remaining after the ERU's that the Village, upon user application, has determined need not pay Operation and Maintenance Component costs, and (3) making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.
- c. Capital and Debt Service Component: The Capital and Debt Service Component cost shall include the capital costs and debt service payments for the Village's stormwater conveyance system, including retention and detention facilities. The Capital and Debt Service Rate shall be determined by: (1) taking the sum of all Capital and Debt Service Component costs, (2) dividing that amount by the ERU's remaining after the ERU's which the Village, upon user application, has determined need not pay Capital and Debt Service Component costs, and (3) making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.

The rate for each ERU is determined by dividing the total revenue that must be generated for the stormwater system by the total number of ERUs within the utility district. The estimated total number of ERUs in the Village based on the impervious area analysis, excluding potential future credits, is 1,900 ERUs.

3.0 CORRECTIONS, ADJUSTMENTS, CREDITS, AND EXEMPTIONS

The Village recognizes that certain properties may have less impact on stormwater utility costs than others in a similar rate class, either because of their geographic location, stormwater management practices property owners have implemented on-site, or because of other factors not identified in the original stormwater utility rate study. Modifications to stormwater utility fees will be considered through corrections, adjustments, or credits, as described in this Section.

Credits or adjustments may be available to individual property owners in the nonresidential and multifamily residential customer classes. It shall be the burden of the property owner to request such a credit and to demonstrate to a reasonable degree of certainty with evidence that a fee adjustment is warranted. The credits or adjustments shall be applied to the Operation and Maintenance Component Costs and the Capital and Debt Service Component Costs. The Base Component shall be charged to all properties regardless of credits. All applications for credit or adjustments shall be reviewed by the Administrator and the Administrator may reduce the number of ERU's in accordance with this policy after taking into consideration the demonstrated reduction in stormwater volume.

A. Corrections

A customer may apply for a correction if the customer believes the impervious area calculation used for the ERU designation on the subject property is incorrect. To be eligible for a Correction, the customer must provide the Stormwater Utility with site-specific information specified in Section 4.0A.

B. Adjustments

An adjustment is defined as a modification to a customer's stormwater utility fee to reflect site specific runoff characteristics that are substantially different from those attributed to the base billing unit. An adjustment may be applicable if a nonresidential customer believes a portion of the subject property has significant surface area that is not being served by Village-owned infrastructure. This means that all or a portion of the customer's property does not directly or indirectly discharge to any natural or manmade stormwater conveyance, storage, or treatment facility owned or maintained by the stormwater utility. This includes direct discharges into Legler School Branch and the Little Sugar River where the customer assumes full responsibility for maintenance of the stream or river bank. To be eligible for an Adjustment, discharge from the property must not be in violation of any environmental code or federal, state, or local surface water drainage requirements.

C. Credits

1. Definition

A credit is defined as a percentage reduction applied to a customer's stormwater utility fee based on existence of an on-site stormwater management practice or facility that reduces the rate or volume of stormwater or sediment discharge to facilities owned or maintained by the Stormwater Utility. A credit may be applicable if a nonresidential customer has constructed a detention basin, infiltration basin, or similar facility that reduces impacts of stormwater runoff from the customer's property to the Village's stormwater management system. To be eligible for credit, all practices must comply with the design, operation, and maintenance requirements of all the applicable ordinances and codes of the Village of New Glarus, State or Federal Permitting, and this Manual. Application procedures and requirements for these credits are outlined in Section 4.

2. Fee Credit Criteria

- a. Peak Flow Reduction Credit: This credit is based on the reduction of post-development peak flow for the specified rain event (see below). An applicant must demonstrate that runoff from the land parcel is released at a lower rate than without storm water management. To determine the amount of credit, the "post-site development" peak flow with no management will be compared to the "post-site development" peak flow with management. The percentage change will then be multiplied by the number of ERU's "served" by the stormwater management facility. All calculations shall use the 100-year,

24-hour, SCS Type II distribution rainstorm of 6.0 inches and SCS curve number hydrology.

For example, the owner of a nonresidential property having an impervious area of 300,000 square feet (100 ERUs) applies for a credit based on the presence of a detention basin that reduces the 100-year peak flow rate from the site from 50 cfs to 40 cfs (20.0 percent peak flow reduction). The detention basin serves an on-site impervious area of 200,000 square feet (66.7 ERU's) of the total 300,000 square feet of impervious area (100 ERU's) present on the site. The owner would then be eligible for a credit of 13.3 ERU's, based on multiplying 20.0 percent times the number of ERU's "served" by the facility (66.7 ERU's times 20.0 percent).

- b. Stormwater Quality Credit: This credit may be granted for parcels that provide a quantifiable stormwater quality benefit through implementation of Best Management Practices for treatment of stormwater runoff to capture nonpoint source pollutants. The following credits will be considered:
- i) Provision of a permanent pool designed in conformance with Wisconsin Department of Natural Resources Conservation Practice Standard 1001 to capture sediment and other pollutants. This practice will be eligible for up to a 25 percent credit applied to the number of ERU's "served" by the facility.
 - ii) Infiltration Basins, Infiltration Strips, rain gardens or bioretention systems will be eligible for up to a 20 percent credit applied to the number of ERU's "served" by the facility. To be eligible for the maximum credit, the applicant must demonstrate that the facility is sized and designed in accordance with Wisconsin Department of Natural Resources Conservation Practice Standards.
 - iii) Manufactured devices designed to remove sediment from stormwater runoff (e.g. "Stormceptor", "Vortechs", "Downstream Defender", etc.) will be eligible for up to a 15 percent credit applied to the number of ERU's "served" by the facility. The maximum number of ERU's subject to credit will be capped with consideration of the maximum capacity of each unit, per manufacturer's specifications. For example, if the device specified is designed to serve a maximum area of 1 acre (43,560 square feet), the maximum ERU credit allowable is 2.2 ERU's (43,560 square feet divided by 3,000 square feet per ERU times 15 percent).
 - iv) Provision of measures to trap oil and grease using oil/water separators, replaceable inlet inserts, or other approved practices will be eligible for up to a 10 percent credit applied to the number of ERU's "served" by the practice.

3. Maximum Credit

The maximum aggregate credit to the Storm Water Service Charge of any individual property is 100 percent of its gross billing amount, regardless of how many individual credits for which the property qualifies. The credit level is based on the amount of utility budget expended on maintaining the flow capacity of the storm water conveyance system. Developments must conform to all applicable ordinances and standards of the Village of New Glarus to be credit eligible.

4. Application of Credits

The total credit applied to a site will be the sum of individual credits applied for. For example, an applicant may be eligible for both a peak flow reduction credit and a water quality credit for a wet detention basin that provides both peak flow reduction and water quality benefits to the Village. Likewise, if different portions of a site are served by different stormwater facilities, the total amount of credit is additive up to the maximum credit specified below.

The following example summarizes the possible use of additive credits:

A nonresidential property having a total impervious area of 300,000 square feet (100 ERU's) is located near the crest of a hill near the Little Sugar River. The westerly 100,000 square feet of impervious area (33.3 ERU's) directly drains to the Little Sugar River without passing through any form of conveyance system owned or operated by the Stormwater Utility.

The easterly 200,000 square feet of impervious area (66.7 ERUs) drains to a detention basin on the east side of the property having a permanent wet pool designed in accordance with Wisconsin Department of Natural Resources technical standards to capture sediment and other pollutants and that reduces peak flow for the 100-year storm by 20 percent. Outflow from this pond is directed to a storm sewer owned and maintained by the stormwater utility. The following adjustments and credits would apply:

- a. The site would be eligible for an adjustment of (-33.3 ERU's) because 100,000 square feet of impervious area directly drains to the Little Sugar River and does not drain to a stormwater facility owner or maintained by the stormwater utility. This adjustment would only apply to the capital and debt service and operation/maintenance components of the fee.
- b. The site would be eligible for a peak flow reduction credit of 13.3 ERU's for the east pond.
- c. The site would be eligible for a water quality credit of 16.7 ERU's based on the presence of a wet pool serving 66.7 ERU's (25 percent Credit).

Based on these individual adjustments and credits, the operation/maintenance and capital/debt service components of the stormwater utility fee would be reduced by a total of 63.3 ERU's. Of this reduction, 33.3 ERU's is considered an adjustment, and 30.0 ERU's is considered a credit.

D. Exemptions

Properties that are exempt from property taxes are not exempt from the stormwater utility fee. Public right-of-way and railroad right-of-way is considered part of the Village's stormwater conveyance system and therefore exempt. No other exemptions from stormwater utility fees will be considered.

E. Right of Access

Prior to receiving a credit or exemption, the Village Administrator or designee shall be allowed access to the property to determine the amount of credit or exemption to be granted. No credit shall be considered for any "natural" features, including but not limited to, wetlands, streams and creeks, floodplains, or water impoundment of any kind in existence prior to the passage of the stormwater utility ordinance.

4.0 APPLICATION PROCEDURES AND REQUIREMENTS

The Stormwater Utility will accept applications from property owners requesting consideration for corrections, adjustments and credits. Applications may be obtained from the Village Administrator. A correction, adjustment, or credit application will not be considered complete and will not be processed unless accompanied by the application fee and all appropriate forms and information as required in this manual. It is the intent of the Stormwater Utility to process applications within thirty (30) calendar days of submittal of the complete and correct application package. Billing adjustments required to implement credits shall be applied retroactively to the date the customer submitted a complete application. Adjustments shall be made by crediting the customer's storm water service charge until any overpayment has been fully repaid. A pending application for credit shall not constitute a valid reason for non-payment of the current Storm Water Utility Fees. In the case of new development, Storm Water Utility Fees and the associated credits detailed herein do not apply until construction is complete and verified by the Stormwater Utility, or upon granting of conditional occupancy, whichever is earlier.

Upon receipt of the application, reviewers will check application forms for completeness and accuracy. If the application is found to be complete and accurate, a letter will be sent to the applicant notifying approval of the credit. If deficiencies are found during the review, a deficiency letter will be sent to the applicant's contact person. Upon receipt of additional information from applicant, the review will resume and be completed within thirty (30) calendar days of receipt of the additional information. If an application is denied, a letter explaining the reasons for the denial will be provided to the applicant. The applicant has the right to appeal this decision, in accordance with the procedures outlined in the Village of New Glarus Stormwater Utility Ordinance.

Submittal requirements for Correction, Adjustment, and Credit Applications are described below.

A. Correction Applications

The completed Stormwater Utility Correction application must include a plat of survey certified by a Wisconsin-Registered Land Surveyor, or as-built construction site plan certified by a Wisconsin Professional Engineer or Professional Hydrologist, indicating the following:

- a) Property location
- b) Layout of impervious surface areas on the property
- c) A calculation of impervious area (in square feet) for each delineated drainage area on the property.

B. Adjustment Applications

The completed Stormwater Utility Fee Adjustment application must include a \$100.00 refundable application fee and plat of survey certified by a Wisconsin-Registered Land Surveyor, or as-built construction site plan certified by a Wisconsin Professional Engineer or Professional Hydrologist, indicating the following:

- a) Property location
- b) Drainage basin divides on the property
- c) Layout of impervious surface areas on the property
- d) Layout of the drainage system on the property, including location and elevations of natural and man-made features
- e) Sufficient topographic data or elevations to verify general drainage patterns across the property
- f) A calculation of impervious area (in square feet) for each delineated drainage area on the property

C. Credit Applications

The completed Post Development Flow Control Credit application must include a \$200.00 application fee and the following information:

1. Maintenance information: Any agreements or contracts for inspection and/or maintenance are required to be disclosed as part of the application. Indicate the schedule for major maintenance that will be performed and how many times per year basic maintenance (such as erosion control and/or mowing) activities are performed. In order to maintain the credit, the property owners shall provide the village with inspection reports by January 1st of every subsequent year. If a property owner fails to file required inspection reports or if a village inspection finds the system not meeting the conditions set forth in this manual, the Village will send a letter informing the property owner of the required action to avoid revocation of the credits. If the property owner fails to take the required action, the credits will be revoked until the situation is corrected. No retroactive credits will be given during the lapse period. Credits will be restored on the effective date of the submittal of the property owner's acceptable response.

2. Technical information (certified by a Wisconsin Professional Engineer):
 - a) Site plan(s) at a scale of 1"=100' or larger (i.e. 1"=50' or 1"=20' etc.) appropriate to display the following information clearly:
 - 1) Locations, dimensions, and characteristics of all drainage patterns and storm water management facilities
 - 2) Location of all impervious surfaces including, but not limited to: structures, parking, and driveways
 - 3) Soils
 - 4) Site topography
 - 5) Details of detention facility outlet structure(s)
 - 6) Diagram of watershed routing to the detention facility(s)
 - 7) As built construction drawings verifying the storm water management structural information
 - b) Summary of runoff peak flow calculations for the 100-year, 24-hour rain event, by watershed, including the following:
 - 1) Existing flow rates
 - 2) Postdevelopment flow rates without management
 - 3) Postdevelopment flow rates with management
 - c) Calculations (and factors used for calculations) performed to determine existing, postdeveloped "managed", and postdeveloped "unmanaged" peak flow control including, but not limited to the following:
 - 1) Time of concentration(s)
 - 2) Curve number(s)
 - 3) Watershed areas
 - 4) Watershed routing
 - 5) Engineered designs for all structural flow control management practices
 - 6) Stage-storage-discharge tables or curves for the detention facility(ies)
 - 7) Tailwater impacts, if any
3. Statement of Certification: The owner shall sign a statement certifying that information is correct and acknowledging that the credit determination will be based on information provided. A later determination that the application information was inaccurate may result in loss of credit. NOTE: Developers are encouraged to apply for flow control credits on new developments as part of the Village's normal development plan review procedures. The credits, as well as the Storm Water Service Charges, do not go into effect until the construction is complete or upon granting of conditional occupation. Credits will not be in effect until as-built data have been submitted for new storm water management facilities.