

Resolution 10

**Upper Allen Township Authority
Stormwater Utility Fee
Credit & Adjustment Policy**

SECTION 1 – INTRODUCTION

Upper Allen Township Authority is obligated to reduce the amount of pollution loading in the form of sediment, nitrogen and phosphorus that is tributary to streams within the Township watersheds. The Authority desires to establish a stormwater fee credit program that rewards property owners for their participation in helping to achieve the Authority's overall reduction goal. The Upper Allen Township Authority hereby establishes as part of its equitable and uniform assessment and collection of Utility Fees, the Upper Allen Township Authority Stormwater Utility Fee Credit & Adjustment Policy (the "Resolution") to establish a process for Owners to obtain Stormwater Utility Fee Credits with the Upper Allen Township Authority.

SECTION 2 – DEFINITIONS

For the purposes of this Resolution, certain terms and words used herein shall be interpreted as follows:

2.1 Best Management Practices ("BMPs").

Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this chapter, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, retention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

2.2 Credit Application.

The Township Authority Stormwater Utility Fee Credit Application must be used to obtain the Credits described in this Resolution.

2.3 Credit.

A Utility Fee reduction that a Property Owner receives for implementing and complying with the practices and policies referenced in this Resolution.

2.4 Drainage Easement.

A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

2.5 Equivalent Residential Unit ("ERU").

The measure of impervious ground cover for a typical single-family residential Property used in assessing the fees for each parcel, and which has been determined to be 4,206 square feet.

2.6 Impervious Surface.

A surface that prevents or impedes the infiltration of water into the ground. Impervious Surfaces include, but are not limited to, streets, sidewalks, walkways, pavements, driveway areas, patios, garages, roofs

storage sheds and related structures. Any surface areas designed to be gravel or crushed stone shall be regarded as Impervious Surfaces. The water surface area of a swimming pool is not included as Impervious Surface.

2.7 Non-Residential Properties.

All parcels other than Single Family Residential Properties, including Multi-Family Properties such as apartments and mixed-use parcels (i.e. parcels with both residential and commercial use). Non-Residential Properties also include mobile home parks, commercial, institutional, governmental, agricultural and industrial parcels.

2.8 Operation and Maintenance Agreement.

An Agreement pertaining to the operation and maintenance of stormwater management BMPs as included in the Stormwater Utility Fee Credit Manual.

2.9 Owner.

Any person, firm, corporation, individual, partnership, company, association, organization, society, trust, or group owning real property in the Township.

2.10 Parcel Identification Number (PIN).

A discrete identification number for each lot, property, building or other structure within Upper Allen.

2.11 Single Family Residential Properties (“SFR”).

Parcels containing single family residential homes, attached homes, townhouses, condominiums, duplexes, and row homes. Parcels may be classified as “SFR” despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. “SFR” shall not include parcels containing: (a) structures used primarily for non-residential purposes, (b) mobile homes located within mobile home parks, (c) apartment buildings or agricultural properties (Land Use Code 112). A parcel which does not contain a dwelling unit (e.g. it contains a garage, shed, driveway, parking area or other Impervious Surface) will be classified as SFR if the parcel is zoned as a residential parcel.

2.12 Stormwater.

Runoff water from all precipitation events such as rain, snowmelt, ice melt, and springs.

2.13 Stormwater Utility Fee Credit Manual

The Township Authority has developed a credit manual that includes a stormwater utility fee credit overview, credit application and credit guide to implement the stormwater utility fee credit and adjustment policy.

2.14 Stormwater Management System.

The system of runoff avoidance, infiltration, collection, and conveyance, including storm sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, manholes, ditches, channels, basins and detention ponds, streets, curbs, drains and all devices, appliances, and Stormwater BMPs, such as infiltration and filtration facilities, used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating Stormwater, which is owned by the Township Authority or Upper Allen Township.

2.15 Stormwater Management Ordinance.

The Township's Stormwater Management Ordinance located in Chapter 214, latest version, of the Township's Code of Ordinances.

2.16 Structural BMPs.

Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural Stormwater BMPs are permanent appurtenances.

2.17 Township Authority

The Upper Allen Township Authority.

2.18 Upper Allen

Upper Allen Township, Cumberland County, Pennsylvania.

2.19 User

Any person, firm, corporation, individual, partnership, company, association, society, or group using, benefiting from, or being served by the Stormwater Management System.

2.20 Utility Fee

Funds assessed, imposed, and to be collected from each Property by discrete PIN which uses, benefits from, or is serviced by the Stormwater Management System, or discharges stormwater, directly or indirectly, into the Stormwater Management System for the use of such system and the service rendered by, and improvement of, such system.

SECTION 3 - GENERAL CREDIT POLICIES

A quarterly reduction in an applicable Utility Fee is available to certain Property Owners who demonstrate compliance with the requirements of this Resolution. The general credit policies are as follows:

3.1 Eligibility

To be eligible for a credit, there must not be any outstanding and unpaid Utility Fees, including stormwater fees and fees for the public sanitary sewer system, as well as being in good standing with the on-lot sewage disposal system (OLSDS) program, against the subject property. Property Owners must submit a complete Credit Application with other documentation required by the Township Authority or its designee.

3.2. Credit Application Process

Credit Applications must be submitted to the Hearing Officer, who is appointed by the Township Authority, or its designee no later than sixty (60) days prior to the start of the first billing quarter to which the Credit will be applied. There is no fee associated with submitting a Credit Application.

The Hearing Officer or its designee will review all plans, materials, and documentation related to the

Credit Application for accuracy. If, after review, the Credit Application and/or accompanying documentation is found to be deficient, the Applicant will be notified in writing within sixty (60) days upon receipt of the deficient Credit Application and/or accompanying documents. If all deficiencies are corrected and the Credit Application is approved, then the applicable Credits will take effect on the next billing period after notice of approval is given to the Applicant. The Credit Application process does not relieve the Property Owner of its obligations to make payments of Utility Fees that are assessed during the review process.

The Hearing Officer or its designee will provide written notification of the credit determination within sixty (60) days upon receipt of a complete Credit Application and all required documentation. If a response is not made within sixty (60) days, then the Credit Application will be deemed denied. The written notification shall state the conditions of the issuance of the Credit and effective date of the Credit. If the Township Authority or its designee does not approve the Credit Application in whole or in part, the Property Owner shall also receive a written notice which includes the reason(s) for the decision.

If the Property Owner disagrees with the Township Authority or its designee's decision, the Property Owner shall submit a request in writing to the Township Authority for a meeting to discuss such decision. The Hearing Officer or its designee will notify the Property Owner as to the date and time of the meeting when the Credit Application will be considered. If the Township Authority does not approve the Credit Application in whole or in part, the Property Owner shall receive a written notice which includes the reason(s) for the decision.

3.3. Maximum Credit

Multiple credits may be applied to a single parcel for eligible properties; however, single-family residential properties are eligible to reduce their fee to a value no less than 0.5 ERUs and non-residential properties are eligible to reduce their fee to a value no less than 1.0 ERUs.

3.4. Credit Renewals & Expiration

Approved Credits are not assigned an expiration date and will automatically renew subject to continued compliance with the credit and adjustment policy and there is not a change in property ownership.

Credits will automatically expire when a property changes ownership. New property Owners are required to submit a Credit Application in order to be eligible for a Credit. Applications for new property Owners will be administered in the same manner as the first-time application that was filed for the subject property by the previous property Owner.

3.5. Credit Termination

Upon written notice, the Township Authority, in its sole discretion, may revoke a Credit for failure to meet Credit conditions or failure to meet minimum maintenance requirements. The Township Authority reserves the right to review for accuracy all plans, materials, and documentation related to a Credit Application and accompanying documentation at any time. If, after review, the Credit Application or accompanying documentation is found to be inaccurate, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The applicant must provide written documentation to the Township Authority or its designee within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of the Township Authority or its designee, the deficiency is not satisfactorily corrected, the Credit currently applied to the property will be terminated effective the following billing cycle.

3.6 Inspection

In accordance with Article V of the Stormwater Management Ordinance, the Township Authority or its designee may enter at reasonable times any property to inspect the condition or operation of BMPs. If, after its review or inspection, the Township Authority or its designee finds the Credit Application or any Inspection Report to be inaccurate or any BMP(s) to be out of compliance, the property Owner will be notified in writing with a notice and given sixty (60) days to correct the inaccuracy or non-compliance ("Notice of Non-Compliance").

Within sixty (60) days following the Owner's receipt of the Notice of Non-Compliance, the Owner must provide to the Township Authority or its designee written documentation and evidence satisfactory to the Township Authority or its designee that the issues described in Notice of Non-Compliance have been corrected and/or that the facility (BMP) is in compliance with all applicable program requirements. If the issues in the Notice of Non-Compliance have not been corrected or the facility (BMP) is not in compliance as required by the Notice of Non-Compliance, or if the Property Owner fails to provide a response to the Township Authority or its designees within the sixty (60) day period, the Credit will be suspended on the following billing cycle.

The Credit suspension will remain in effect for six (6) months, after which time the property Owner may reapply for the Credit. The reapplication must include evidence satisfactory to the Township Authority or its designee that the issues stated in the Notice of Non-Compliance have been corrected or that the BMP has been in compliance with program requirements for at least three (3) months prior to re-application.

SECTION 4 - AVAILABLE CREDITS

Credits are applied directly to the amount of impervious area and not directly to the Utility Fee. Multiple credits may be applied to a single parcel for eligible properties; however, property owners are not eligible to reduce their designated ERUs to a value less than 0.5 ERUs for single-family residential properties and not less than 1.0 ERUs for non-residential properties.

Each credit may qualify for the maximum per-credit value indicated, but the actual per-credit value applied is at the discretion of the Township Authority, and may not match the maximum amount.

Credits will be provided based on the matrix presented in Table 4.1

Table 4.1 Utility Fee Credit Matrix		
Credit Description	Maximum Impervious Area Reduction Credit	Property Eligibility
Permeable Surface Systems	50%	Township-wide
Structural BMP	Varies	Township-wide
Rain Barrels	20%	Residential
BMP Easement	Varies	Township-wide
Low Impact Parcel	25%	Township-wide
Adopt an Inlet	20%	Residential
NPDES Stormwater Permit Compliance	20%	Commercial/ Industrial
Conservation Plan	75%	Agricultural
Innovation Credit	Varies	Township-Wide

4.1 Impervious Area (IA) Reduction Credits:

Impervious Area (IA) Reduction Credit(s) will reduce the amount of total impervious area for each eligible parcel. The Adjusted Utility Fee for properties with approved IA Credit(s) will be calculated by subtracting the total IA Reduction Credits from the parcel's total impervious area, and then reassessing the Billable ERUs amount.

$$\text{Reassessed Billable ERUs} = \left[\frac{\text{Total Impervious Area (ft}^2\text{)} - \sum \text{Impervious Area Reduction Credit(s) (ft}^2\text{)}}{4,206 \text{ ft}^2} \right]$$

NOTE: Billable ERUs will be rounded down to the nearest whole number if the partial Billable ERU falls within the range of .00-.5, and rounded up to the nearest whole number if the partial Billable ERU falls within the range of .51-.99.

$$\text{Adjusted Utility Fee} = \text{Reassessed Billable ERUs} \times \text{Current Utility Fee Rate}$$

A. Permeable Surface Systems

All properties are eligible for this Credit. Property owners installing permeable surface systems will only be assessed for fifty percent (50%) of their total permeable surface area. In order to be eligible for this credit, a property owner must convert existing impervious surfaces to permeable surfaces. In addition, a property owner may attempt to maintain their Utility Fee at its current rate by constructing new parking areas, patios, driveways, etc. with permeable systems.

$$\text{IA Reduction Credit} = 50\% \times \text{Pervious Surface Area}$$

Please note that property owners that elect to remove existing impervious area in its entirety and convert that area to grass are eligible to receive a one hundred percent (100%) credit reduction for the total amount of existing impervious area removed.

B. Structural BMP

All properties are eligible for this Credit. Property owners installing new Structural BMPs are eligible to receive a reduction in assessed impervious area for areas tributary to the BMP dependent on the structural BMP type. The impervious area reduction credits are listed in Table 4.2 below.

$$\text{IA Reduction Credit} = \% \text{ Reduction} \times \text{Impervious Area Tributary to the BMP}$$

Table 4.2 Structural BMP Credits	
Structural BMP Name	Impervious Area Reduction Credit
Rain Garden	95%
Infiltration Bed, Infiltration Trenches, Infiltration Berm	95%
Wet Pond	95%
Riparian Buffers	80%
Soil Amendments	60%
Vegetated Swales	50%
Existing Structural BMPs	60%

Please note that the Township Authority has an inventory of existing Structural BMPs that were constructed as part of previously approved land development plans. The existing Structural BMPs included in this inventory are not eligible to receive the Structural BMP credit as credit was already received for these facilities through the creation of the Combined Pollutant Reduction Plan (PRP).

The inventory of existing Structural BMPs is included under Appendix IV of the Combined PRP, which can be found on the Township's website at <https://uatwp.org/stormwater-management/> or by calling the Township office at 717-766-0756. Property owners with existing Structural BMPs that were not included on the inventory are eligible to receive a ten percent (10%) impervious area reduction credit for area tributary to the existing Structural BMP. Additional credit may be received if the property owner can demonstrate that performance levels exceed current design parameters achieved by the existing Structural BMPs.

All Structural BMPs must have a Standard Stormwater Facilities and Best Management Practices (BMP) Maintenance and Monitoring Agreement and be maintained in accordance with the Operations and Maintenance Plan approved by the Township Authority.

C. BMP Easement

All properties are eligible for this Credit. The BMP Easement credit will be available to any parcel granting an easement to the Township Authority for construction of a BMP for the purpose of reducing pollutant loads and/or other stormwater management purposes as defined by the Township Authority. Instances of applicable BMP Easements include a property owner granting the Township Authority the right to use private land to construct BMPs such as dry extended detention basins, stormwater pipes, swales, riparian buffers, water quality basins, wetlands, rain garden, and so forth.

The impervious area reduction credit amount will be negotiated with the property owner based upon their ERU assessment and the area of land included in the easement. The BMP easement shall be discussed and approved by the Township Authority.

D. Low Impact Parcel

All properties are eligible for this credit.

Credit will be given if the property owner can demonstrate that the total impervious area of a parcel is less than ten percent (10.0%) of the total property area. In addition, impervious surfaces shall not be located any closer than seventy-five (75) feet from any property line with the exception of the driveway in order to be eligible for this credit.

Property owners qualifying for the Low Impact Parcel credit will be assigned a twenty-five percent (25%) credit reduction to the property's total amount of impervious area.

$$\text{IA Reduction Credit} = 25\% * \text{Total Impervious Area}$$

E. Rain Barrels

Only Residential properties are eligible for this Credit.

Property owners installing rain barrels are eligible to receive a twenty percent (20%) reduction in their total impervious area. In order to receive the 20% credit reduction, property owners must install more than one (1) rain barrel to cover a minimum of seventy-five percent (75%) the total number of

downspouts on a property. For example, if a property has a total of four (4) downspouts, the property owner would be required to install at least one (1) rain barrel on three (3) of the downspouts.

The goal of the rain barrel credit is to collect runoff from at least seventy-five percent (75%) of all roof area. It is recommended that rain barrels be placed on downspouts that receive the largest amount of roof area.

A 20% reduction in assessed impervious area will be granted for this credit.

$$\text{IA Reduction Credit} = 20\% * \text{Total Impervious Area}$$

F. Adopt-an-Inlet Program

Only Residential properties are eligible for this Credit.

Residents are eligible to receive a five percent (5%) impervious area reduction credit per inlet, up to a maximum twenty percent (20%) impervious area reduction credit, through the Adopt-an-Inlet credit.

In order to receive an adopt-an-inlet credit, the property owner agrees to be responsible for keeping leaves and other debris away from their adopted(s) inlets. In addition, property owners agree to alert the Township Authority of any maintenance issues that need to be addressed with the adopted inlets and also report any illicit discharges being released into the Township's storm sewer system. An illicit discharge is defined as any unauthorized discharge other than clean stormwater released into the Municipal Separate Storm Sewer System (MS4). Illicit connections may be intentional or may be the result of connections made years ago when water quality issues were not as strictly regulated.

$$\text{IA Reduction Credit} = (5\% \text{ to } 20\%) * \text{Total Impervious Area}$$

G. NPDES Stormwater Permit Compliance

Only Commercial and Industrial properties are eligible for this Credit.

Property owners will be eligible for a twenty percent (20%) impervious area reduction credit if compliance with a NPDES stormwater permit can be demonstrated. An example of a NPDES stormwater permit includes the land area of an industrial site that is covered by the PAG-03 General Permit for Stormwater Associated with Industrial Activity that discharges stormwater to the Township's MS4 system.

Property owners that have obtained a No Exposure Certification and/or waiver are not eligible for this credit. In addition, property owners that have a NPDES permit for earth disturbances are not eligible for this credit.

A 20% reduction in assessed impervious area will be granted for this credit.

$$\text{IA Reduction Credit} = 20\% * \text{Total Impervious Area}$$

H. Conservation Plan

Only Agricultural properties are eligible for this Credit.

Agricultural parcels containing a Conservation Plan which has been reviewed and approved by the

Cumberland County Conservation District or DEP will be eligible for a credit. The plan must be current and implemented to reflect the agricultural practices currently occurring on the parcel. Property owners must verify continued compliance of the approved Conservation Plan with the Cumberland County Conservation District or DEP every three (3) years. The property owner will then be required to submit a copy of the compliance letter from the Conservation District or DEP to the Township Authority to maintain their credit.

The Township reserves the right to perform independent inspections to verify the plan's accuracy and implementation status.

A 75% reduction in assessed impervious area will be granted for this credit.

$$\text{IA Reduction Credit} = 75\% * \text{Total Impervious Area}$$

I. Innovation Credit

All properties are eligible for this Credit.

Upper Allen Township Authority desires to establish a stormwater credit fee program that rewards property owners for their participation in helping to achieve the Authority's overall pollutant reduction goal. Therefore, the Authority encourages property owners to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a property owner that has received a bill of at least one (1) ERU has an idea for a project that could be worth stormwater utility fee credits, the Township Authority encourages the property owner to submit the project idea under the Innovation Credit. The impervious area reduction credit amount will be negotiated with the property owner based upon their ERU assessment and project idea. The project idea shall be discussed and approved by the Township Authority.

SECTION 5 – EFFECTIVE DATE

This Resolution shall become effective immediately.

RESOLVED AND APPROVED by the Board of the Upper Allen Township Authority this 18th day of December, 2019.

ATTEST:

UPPER ALLEN TOWNSHIP AUTHORITY:


Secretary


Chairman
Upper Allen Township Authority