

Town of Mooresville

Stormwater Utility Fee Credit

Application Manual



Adopted June 2015

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1 Introduction

The intent of this manual is to outline the Town of Mooresville's Stormwater Utility Fee Credit Policy and the procedure by which the policy is to be administered. In addition to describing those activities which may be used to qualify for a credit, the manual outlines the administrative and technical basis for determining the extent of the credit and the conditions required to remain eligible for a stormwater fee credit.

1.1 Definitions

The following definitions are applicable throughout the credit manual and shall have the meanings provided below. If not defined, the terms utilized in this manual shall have the meaning associated with current Town ordinances as applicable. In all other cases, the terms utilized in the credit manual shall have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Applicant – An applicant is the person or entity financially responsible for the stormwater fee associated with a given account and the stormwater facility to be credited.

Town – Town of Mooresville, NC

Credit – A credit shall mean on-going reductions in the stormwater service charge applicable to a given property in recognition of on-site systems that reduce or mitigate the impact of their property(s) or actions on the quantity or quality of stormwater run-off that would otherwise be managed in the public system. Credits shall be conditioned on the continuing performance of the systems, facilities, measures, or other actions in reference to standards adopted by the Town Board of Commissioners upon which the credits are granted, and may be revised or rescinded.

A credit is a conditional fee reduction received for eligible activities that protect water quality by mitigating stormwater quantity and/or quality in excess of the minimum requirements established by the Town of Mooresville, state and/or federal requirements, and thus decrease the Town's cost to operate and maintain its municipal separate storm sewer system (MS4).

Credit Application – A credit application is an application submitted in accordance with the Town's Stormwater Utility Fee Credit Policy for an existing or new stormwater facility.

1.2 Stormwater Credit Policy

The intent of the stormwater credit manual is to recognize and/or promote on-site systems that mitigate the impact and/or improve the quality of stormwater run-off. In order to encourage actions that complement the work of the Stormwater Utility, credit options were developed that assist the Town with implementation of the Town's Stormwater Management Plan, are consistent with the mission of the Stormwater Utility, and are in keeping with the requirements associated with Watershed Regulations and Town's NPDES Phase II Stormwater Permit.

While it is the intent of the Town to maintain a program to extend stormwater fee credits to property owners subject to the provisions included in this manual, should stormwater regulations

change such that the conditions of the Stormwater Credit Program are no longer valid or significantly altered, the Town reserves the right to reduce or eliminate the credits available.

2 Stormwater Fee Credit Eligibility

2.1 *Accounts Eligible*

In order to effectively manage the stormwater credit program, only non-residential properties may receive a stormwater fee credit. Individual single family residential and duplex, triplex, and quadriplex residential units on individual lots of record **are not eligible** for stormwater credits.

In order for a non-residential property to be eligible to receive a stormwater fee credit, a property owner must receive a bill for Stormwater Service provided by the Town of Mooresville and the credit must apply to developed land containing the facility eligible for the credit. Facilities located in a common area serving multiple properties each with stormwater accounts **are not eligible** for stormwater credits. Accounts with past-due balances shall not be eligible to apply for stormwater fee credits. Credited accounts not paying monthly stormwater charges will be deemed ineligible, result in revocation of credits, and may be billed a surcharged amount to recover improperly issued credits.

2.2 *Maintenance Agreement*

In order to be eligible for a stormwater fee credit, a property owner must agree to adhere to an approved and executed operation and maintenance plan for the facility(s) which qualify for the credit. A generalized review of maintenance activities required in order to remain eligible for a credit is provided in section 4.1 of this manual. For new retrofitted facilities, the operation and maintenance agreement provided as part of the plan review and approval process will provide the maintenance plan for the facility(s) and should be submitted as part of the credit application. In the event the credit application is based on an existing BMP or stormwater control feature that does not have an executed operation and maintenance agreement, one will need to be submitted, approved and recorded as part of the stormwater fee credit application process.

2.3 *Right-of-Entry*

As a condition of receiving a stormwater fee credit, a property owner must agree to allow the Town unrestricted access to inspect the facility(s) associated with the stormwater fee credit. The intent of the inspections will be to verify that the facility is being maintained as stipulated in the operation and maintenance agreement, the conditions on the ground are consistent with the documentation provided in conjunction with the annual inspection report submitted by the stormwater fee credit recipient, and that the facility is operating as intended.

A right-of-entry shall be formally provided via recorded easement in favor of the Town of Mooresville, or documentation in existing easements that the Town has the express and continual right to access the property to conduct activities required per the Town's Phase II NPDES Permit.

2.4 *Credit Renewal*

Stormwater fee credits are provided for a period of one year. In order to continue to receive the credit in future years, the recipient is required to renew the credit application annually. It is the responsibility

of the recipient to submit the credit renewal application to the Town's Stormwater Specialist and to do so in a manner that insures that the credit remains continuous.

2.5 Stormwater Fee Credit Implementation

For those stormwater credit applications received (and subsequently approved) within 6 months of adoption of the Stormwater Credit Application Manual, the credit would be available retroactively to time of adoption of the stormwater utility (January 1, 2015). Credit will not be granted for an existing stormwater facility for any time preceding fee inception or for any time period prior to the date in which the stormwater facility was constructed and approved by the Town. Documentation will also be required to substantiate maintenance of the facility over the time for which a retroactive credit is requested. Credit applications received after the first 6 months will be processed and become effective on the first full billing cycle following approval of the Stormwater Credit Application by the Town. If a credit is applied for and granted, however, no developed property will be billed for less than 1 ERU.

3 Stormwater Fee Credit Options

The options eligible for receipt of a stormwater fee credit are as follows.

3.1 *Facility with Individual NPDES Permit*

A 50% credit may be given for sites which are subject to Individual NPDES Stormwater Permits through the State of North Carolina and/or EPA. In order for a site to receive this credit, it must be individually permitted and maintain its permit in good standing. Proof of a valid permit, as well as copies of annual reports shall be submitted to the Town in order for a property owner to receive or renew the credit. Properties receiving credit based on Individual NPDES Permits are not eligible for any other stormwater fee credits.

3.2 *Facility Meeting Stormwater Regulations*

A 25% credit may be given for sites which own and operate stormwater facilities that were designed and constructed in accordance with the regulations in place at the time of construction with respect to control of volume, peak flow and/or Total Suspended Solids as applicable. Applicants must provide, at a minimum, construction plans or as-built plans and documentation of calculations verifying that the facility meets design criteria under the Town's Post Construction Ordinance or Watershed Ordinance, and Land Development Standards that were in place at the time of facility construction. If original plans or calculations are not available, a "As-Constructed" facility survey sealed by a Registered North Carolina Profession Surveyor and calculations provided and sealed by a Registered North Carolina Professional Engineer will be accepted.

3.3 *Facility Exceeding Stormwater Regulations*

A 50% credit may be given for sites which own and operate stormwater facilities that exceed current Post Construction requirements. Pre-development shall be defined as July 1, 1993 for all areas located within a watershed, and September 1, 2014 for all other areas within the corporate limits. Exceeding requirements shall be defined as **both** of the following:

- Stormwater treatment achieving average annual 85% Total Suspended Solid (TSS) removal which is applied to the volume of post-development runoff resulting from the local 2-year, 24-hour storm, and
- Stormwater treatment achieving average annual 35% Total Nitrogen removal **or** 45% Total Phosphorous removal for the local 2-year, 24-hour storm..

If policy requirements change for this credit in the future, facilities will be allowed to continue receiving the credit for a period of 2 years, allowing the property owner to retrofit their facility(s) to meet the new criteria. If after 2 years the facility(s) has not been retrofitted, the property may be eligible for a credit under Section 3.2, providing proper documentation under Section 4.

4 Requirements to Maintain Credit

4.1 Regular Maintenance

The following stormwater facility maintenance activities are required for a customer to be eligible for a Stormwater Facility Credit. These activities are required to ensure that the facility performs as credited, complies with Town standards and State law, meets safety standards, and is not a public nuisance. Maintenance activities are required on all drainage structures related to the facility, including the dam, inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, etc. The owner of a credited Stormwater Facility must comply with all applicable maintenance practices below that are relevant to the credited facility, in addition to additional practices that may be included in individual Operation and Maintenance Agreements.

Debris and Litter Removal – This activity must be performed after storm events totaling approximately two inches over a 24-hour period or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.

Erosion and Structural Repair – Side slopes, emergency spillways, and embankments all may periodically suffer from slumping and erosion. Regrading, revegetating, compacting and/or installing or replenishing rip-rap may be required to correct erosion problems that develop.

Mowing – Side slopes, embankments, emergency spillways, and other grassed areas of stormwater facilities should be periodically mowed to prohibit woody growth and to prevent grass from growing over eighteen inches in height (which is a public nuisance as set forth in the Mooresville Town Code). More frequent mowing may be required in residential areas by adjacent homeowners or to meet State Dam Safety standards. Native grasses, which are water-tolerant, pest-tolerant, and slow growing, are recommended.

No Blockages – Remove sediment or any blockage from pipes, channels, spillways, inlets, and outlets as needed to keep the facility in proper working condition.

Nuisance Control – Standing water or soggy conditions within a “dry” stormwater facility can create nuisance conditions for nearby residents. A public nuisance is defined in the Mooresville Town Code. Common nuisance conditions may include odors, mosquitoes, litter, and weeds. Regular maintenance to remove debris and ensure control structure functionally is required to control these potential problems. In addition, well-maintained and established wetland plants in wet detention ponds or bird nesting boxes around the pond can provide a habitat for birds and predacious insects and fish that can actively serve as a natural check on nuisance insects such as mosquitoes. Cyclical alteration of the water level in the pond or installation of aeration/agitation features will also disrupt most unwanted larval growth.

Outlet Control – Maintain outlet control devised to ensure proper functioning in the control of stormwater velocities at the outlet of the stormwater facility. Revegetating and/or replenishing or reinstalling rip-rap may be required to correct erosion problems at the outlet of stormwater facility pipes.

Removal of Log Jams and Debris – All streams and ditches within the stormwater system should be inspected periodically for blockages. If identified, the blockages and debris should be removed as quickly as practicable.

Sediment Removal – This activity is to be performed as needed or as required by the Town to ensure proper working order of the facility and its related stormwater facility features (channels, pipes, etc.). Sediment removal is also required to maintain the required storage volume per the North Carolina design guidelines.

Structural Repairs and Replacement – Eventually, stormwater control structures will deteriorate and must be replaced. Major structural damage to outlet structures (i.e. cracks, leaks, or failure) must be repaired as soon as possible.

In addition to providing the proper maintenance, the recipient of a stormwater credit is responsible for notifying the Town in writing if the facility is compromised or damaged in any way. The Town shall also be notified in writing of any work that takes place (repair or alteration) that will impact how the facility operates.

4.2 Annual Documentation

Annual documentation must be submitted to the Town to continue receiving a credit. The required documentation consists of the following:

- Annual inspection report from an independent engineer that conforms to Town requirements.
- Recently dated photographs showing the condition (including any known damage or disrepair) of a Stormwater Facility. 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).
- Records demonstrating that required maintenance activities and/or repairs have been completed.

4.3 Facility Inspections

Each customer that has applied for and received a credit for a Stormwater Facility has the private responsibility to inspect and repair their facility to ensure that it is functioning as credited. In addition, the Town reserves the right to inspect Stormwater Facilities receiving a credit at any time. If the field inspection proves that any of the annual documentation submitted for continuation of the credit is not accurate, or the facility is not maintained, or if the facility is not operating as credited, the credit will be forfeited and the customer must repay the Town in the form of a surcharge the amount of credit received during the period for which the Town determines the Stormwater Facility was out of compliance.

Inspections will be performed at the discretion of the Town to assure that a facility is operating as credited (no blockage due to excessive silt, logs, or debris). Annual inspection is possible with additional inspections of problematic areas following large storm events (two inches of rainfall or more over a 24-hour period).

4.4 Enforcement

Inspections and annual documentation are the primary methods employed to monitor credits. Failure to maintain and operate the Stormwater Facility in strict compliance with Town standards will result in the loss of the credit and possible surcharge to recapture improper credits. All credited Stormwater Facilities are subject to nuisance ordinances of the Town as well.