

*Commercial,
Industrial,
Institutional, and
Multi-Family
Properties*

STORMWATER UTILITY FEE CREDIT MANUAL



**Department of Public Works
Stormwater Management Program**
941 Fir Street
Waynesboro, Virginia 22980
(540) 942-6624
waynesboro.va.us/291/Stormwater-Administration

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Introduction

Managing and treating Stormwater in the City of Waynesboro is a growing challenge for the City and the Stormwater Program. The reasons for this expanding puzzle are numerous but can generally be categorized as increased regulatory burden, maintaining an aging, existing system, and addressing localized flooding issues through infrastructure installation and upgrades. In 2013 the City fell under new Federal guidelines that increase our responsibilities to manage stormwater through a designation as an MS-4 Community. The MS-4 Program requires the City to maintain a federal permit to discharge stormwater from a storm sewer system to the South River. This system includes over 75 miles of pipe, over 7 Miles of Ditches, over **2,500 Inlet Structures**, over **600 Outlet Structures**, and over **150 stormwater ponds**. These assets have to be monitored and maintained to remain compliant as an MS-4, including private stormwater basins. The City Stormwater Program is also tasked with working on a list of almost 30 projects to moderate localized flooding and reducing pollution from our stormwater system to meet federal Chesapeake Bay requirements.

On May 26, 2015, following an advertised public hearing, Waynesboro City Council adopted a Stormwater Utility Ordinance to enact a system of service charges to support a local [stormwater management program](#). This Stormwater Utility Fee is based on the amount of impervious surface on individual parcels. Impervious surfaces that do not allow precipitation to soak through them increase the volume and rate of runoff from rain or snowmelt and consequently stress the storm sewer system.

Both the Virginia State Code that enables localities to adopt stormwater fees and the City of Waynesboro Code that establishes the fee structures recognize that on-site stormwater facilities can benefit local stormwater programs. When owners of these on-site facilities ensure they are functioning as designed, the private systems are protecting the waters of the Commonwealth of Virginia, reducing stress on the City owned storm sewers, and assisting the City of Waynesboro with regulatory compliance towards maintaining permanent stormwater facilities. Consequently, through the Stormwater Utility Ordinance the Director of Public Works (the director) is authorized to adopt policies, procedures, and manuals necessary to implement, administer, and enforce a system of credits to reduce stormwater utility fees for owners of private systems. This guidance is only intended to assist with interpretation of Chapter 30 of the Code of the City of Waynesboro.

Criteria for Non-Single Family Residential Properties

Non-Single Family Residential (NSFR) Properties include multi-family dwellings, commercial, industrial, and institutional properties. Credit for the Stormwater Utility Fee falls into three categories that are explained more in-depth with code references below.

1. Water Quantity/ Flood Control structures are typical above ground and below ground facilities that hold stormwater and release it at a controlled rate.
2. Water Quality facilities were generally designed and constructed after 2006 and are designed to filter pollution from stormwater.
3. Properties with a compliant VPDES Permit that requires monitoring and control of stormwater as an industrial user.

On-site stormwater management facilities must meet the following criteria to be eligible for a credit against the stormwater utility fee:

- (1) The parcel owner must submit a credit application form provided by the City; <https://www.waynesboro.va.us/FormCenter/Public-Works-10/Stormwater-Utility-Credit-Application-166>
- (2) The parcel owner must maintain the structure and function of a stormwater management facility and operate the stormwater management facility.
- (3) The parcel owner must have a properly executed maintenance agreement with the City that has been recorded in the land records of the Office of the Clerk of the Circuit Court of the City of Waynesboro.
- (4) The parcel owner must demonstrate to the City's satisfaction that the facility is functioning as originally designed. The structure must be maintained to the satisfaction of the director in accordance with the properly executed maintenance agreement.
- (5) The facility must have met the criteria in existence at the time of construction in at least one (1) of the following sections of the Regulations, or the predecessor sections of the City Code as noted, if applicable:

Water Quality

- (i) 9VAC25-870-96, Virginia Administrative Code, as amended, water quality; or the applicable predecessor section of City Code, including section 30-48 (Stormwater Technical Criteria); or

Water Quantity

- (ii) Both 9VAC25-870-97, Virginia Administrative Code, as amended, stream channel erosion, and 9VAC25-870-98, Virginia Administrative Code, as amended, Flooding; or applicable predecessor sections of City Code related to stream channel erosion and flooding, including section 30-29 (Erosion and Sediment Control Plans).

- (6) Facilities that do not meet the minimum water quantity or water quality criteria may still be considered on a case-by-case basis at the discretion of the director if it is demonstrated that the facility achieves a permanent reduction in post-development stormwater flow and pollutant loading. The credit may be prorated based on an analysis of the benefits of the reduction.

Credit amounts.

1. The **maximum** credit allowed is fifty (50) percent of the total annual stormwater utility fee, except as provided in subsection (6) below.
2. For an on-site stormwater management facility, the credit amount is based solely on the amount of impervious surface located on the parcel draining to the facility.
3. Credits for on-site stormwater management facilities are as follows if the facility was required under the provisions of Chapter 30, Article II Erosion and Sediment Control or Article III Stormwater Management, of the City Code:
 - a. A **ten (10) percent** credit is allowed if the facility, or facilities, provides **water quality** benefits in accordance with 9VAC25-870-96, Virginia Administrative Code, as amended.
 - b. A **ten (10) percent** credit is allowed if the facility, or facilities, provides **water quantity** benefits in accordance with 9VAC25-870-97, Virginia Administrative Code, as amended, and flood control benefits in accordance with 9VAC25-870-98, Virginia Administrative Code, as amended.
 - c. A **ten (10) percent** credit, , is allowed for any parcel, or portion of a parcel, that is subject to, and in compliance with, an individual or general Virginia pollutant discharge elimination system (VPDES) industrial stormwater permit issued in accordance with 9VAC25-31-120, Virginia Administrative Code, as amended. The credit will expire on permit expiration unless the parcel owner provides proof to the director that the permit has been renewed.
4. At the director's discretion, a credit of up to five percent in addition to that provided in subsection (3) above may be granted for a facility that achieves benefits above those required by the City Code.
5. If an on-site stormwater management facility is part of a voluntary retrofit, the amount of credit the facility is eligible to receive for water quality, water quantity and voluntary upgrades shall be doubled.
6. The owner of an eligible facility that treats off-site impervious surface located within the City may take a credit for treating the off-site impervious surface. The off-site credit amount shall be calculated in the same manner as if the facility was located on the off-site parcel. However, in no case shall the total credit exceed the total amount of the annual stormwater utility fee charged to the parcel owner.

Stormwater Utility Credit Eligibility and Application

The stormwater BMP credit application is free of charge. To apply for the initial credit for an on-site stormwater management facility, the parcel owner must certify the application or provide an appropriate Power of Attorney form. A separate application must be submitted for each facility on a parcel, however the sum of the credit amounts shall not exceed fifty (50) percent of the fee for the parcel.

Once approved, the parcel owner will continue to receive the credit as long as the facility continues to function as originally designed, and is subject to reporting requirements established by the director. The director may revoke the credit if an inspection by the director or a designated representative determines that the facility is no longer being properly maintained or functioning as designed. Such revocation will be effective thirty (30) days after the director has notified the parcel owner in writing of the deficiency(s) and if the problems are not resolved. The revocation may be delayed for an additional period, at the discretion of the director, provided that the parcel owner is diligently pursuing work to eliminate deficiencies.

Any maintenance or functional deficiencies must be remedied at the owner's expense before a facility may qualify, or re-qualify (after revocation), for a credit.

For an application to be deemed complete, the following items must also be submitted:

1. A drainage area map, drawn to scale, for the facility showing the drainage boundaries and the impervious area treated by the facility in square feet;
2. As-built or other acceptable engineering plans for the facility;
3. A narrative of the known maintenance history of the facility, including routine maintenance and significant structural maintenance and repair;
4. A copy of the City's standard maintenance agreement that has been executed by the City and properly recorded in the land records of the Office of the Clerk of the Circuit Court of the City of Waynesboro. If there is no existing facility maintenance agreement, then one (1) must be completed and properly recorded;
5. Information on any public funds used to construct, repair, upgrade, or retrofit the facility, including the amount and the date(s);
6. Calculations to determine the monetary amount of the claimed credit; and
7. A completed inspection checklist certifying that the facility is functioning as originally designed. *"Functioning as originally designed" means that the facility is operating in accordance with the original design specifications, regardless of the standard in effect at the time of the installation.* The checklist must be signed and sealed by a professional engineer. The inspection checklist shall be no more than one (1) year old at the time of application.

For an application for a credit under a VPDES permit, the following items must be submitted:

1. Proof of permit coverage,
2. The date of permit expiration
3. A cover letter affirming that the parcel is in full compliance with the permit requirements.

Stormwater Quality Credit Calculation

To be eligible for a Stormwater Quality Credit of up to 10% a Best Management Practice (BMP) must be demonstrated to have been designed, constructed, and maintained with the intent of permanently reducing pollution being discharged to the City stormwater system or surface waters. The City references the [Virginia Stormwater BMP Clearinghouse Standards and Specifications](#) to determine which facilities are eligible for a stormwater quality credit.

As stated previously, the credit will only be applied for the amount of impervious area draining to a BMP, not the total impervious area of the site. For a site with multiple BMP's, the calculation will need to be conducted for each individual facility, and the aggregate total will be applied to the fee. The impervious area treated will need to be converted to the number of Equivalent Residential Units (ERU) by dividing by 1600 square feet.

Credit Earned = (10% Credit) X (Impervious Area Treated/ 1600) X (Stormwater Fee Rate)

Stormwater Quantity Credit Calculation

To be eligible for a Stormwater Quantity Credit of up to 10% a Best Management Practice (BMP) must have been demonstrated to have been designed, constructed, and maintained with the intent of permanently regulating the volume of stormwater being discharged to the City stormwater system or surface waters.

As stated previously, the credit will only be applied for the amount of impervious area draining to a BMP, not the total impervious area of the site. For a site with multiple BMP's, the calculation will need to be conducted for each individual facility, and the aggregate total will be applied to the fee. The impervious area treated will need to be converted to the number of Equivalent Residential Units (ERU) by dividing by 1600 square feet.

$$\text{Credit Earned} = (10\% \text{ Credit}) \times (\text{Impervious Area Treated} / 1600) \times (\text{Stormwater Fee Rate})$$