

BOROUGH OF CARLISLE
CUMBERLAND COUNTY, PENNSYLVANIA

STORMWATER MANAGEMENT PROGRAM
CREDIT APPLICATION INSTRUCTION MANUAL

I. Introduction

On November 8, 2018, Carlisle Borough Council adopted Ordinance No. 2315 establishing a Stormwater Management Utility and a Stormwater Management Service Charge. The Borough of Carlisle owns and operates the stormwater management system serving Borough properties. Given that all land parcels in the Borough, particularly those with improvements, use and benefit from the Borough's stormwater management system, the Stormwater Management Service Charge was established to fund the ongoing maintenance and upgrade of the system. All properties, taxable or nontaxable, are required to pay the service charge in full.

Chapter 220-7 of the Ordinance provides for a stormwater service charge and Chapter 220-11 of the Ordinance provides credits for property owners who effectively manage stormwater to reduce impacts on the Borough's stormwater system. This Manual provides the Borough of Carlisle's Stormwater Management Utility customers with details on the credits available to reduce their monthly Stormwater Management Service Charge. The Borough provides credits as a means for customers to reduce the amount of their monthly service charge by implementing an activity to reduce the contribution of stormwater and pollutants to the Borough's Stormwater Management System.

II. Stormwater Management Program Background

Stormwater is water that originates during precipitation events and snow/ice melt. Stormwater can soak into the soil (infiltrate), be held on the surface and evaporate, be taken up by plants and trees, or flow from a property (runoff) and eventually end up in nearby stream or water body. Stormwater is an important resource that provides groundwater recharge for water supplies and base flow of streams. Stormwater runoff often carries debris, chemicals, bacteria, eroded soil, and other pollutants. Inadequate management of stormwater from developed areas of the Borough increases stormwater runoff flows and velocities, threatens public health and safety, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and increases non-point source pollution. The Borough's Stormwater Management Program was

established to minimize flooding, erosion and water quality problems throughout the Borough and downstream watersheds.

The Borough's stormwater system includes the system of stormwater collection and conveyance structures, and stormwater control measures that receive drainage from developed parcels in the Borough. The Borough's stormwater management program is a public utility, similar to the Borough's drinking water and sanitary sewer systems, that provides a public benefit and is operated and maintained by the Borough. The Borough received a permit from the Pennsylvania Department of Environmental Protection (DEP), referred to as a Municipal Separate Storm Sewer System (MS4) Permit, that establishes requirements on the Borough related to the operation and maintenance of the stormwater system and gives permission for the Borough to discharge stormwater to Waters of the Commonwealth. The MS4 Permit also places responsibilities on the Borough to implement projects that reduce the amount of nitrogen, phosphorus, and sediment present in the discharge from the Borough's stormsewer system.

III. Stormwater Management Service Charge

When a forested or grassy area is paved and impervious surface is added, a larger amount precipitation falling on the property becomes runoff and enters the Borough's stormwater system. The Borough therefore charges property owners a stormwater management fee based on the amount of impervious surface area present on the property.

An impervious surface is an area that does not allow or allows only with great difficulty the movement of water into the ground. Impervious surface areas include, but are not limited to: roofs, outdoor living spaces with hard surfaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any private streets or sidewalks outside the public right-of-way. Any parking or vehicle travel areas initially constructed with gravel or crushed stone shall be assumed to be an impervious area.

The Borough measures the amount of impervious surface based on the number of Equivalent Residential Units (ERUs) per property. An ERU is a unit of measure of impervious surface (in square feet) which represents the impervious surface area on the typical Single Family

Residential Parcel in the Borough as a unit of comparison. One (1) ERU is equal to 2,410 square feet of impervious surface and has an associated fee per month that is established by the Borough.

Under Chapter 220-8, stormwater management service charges are categorized as either Single Family Residential or Non- Single Family Residential. A Single Family Residential property is a Property Type of “R” as determined by the Cumberland County Property Assessment Office. Each Single Family Residential property is placed into one of three tiers based on the square footage of the property’s impervious surface:

Tier 1: Small Residential (less than 1,800 square feet of Impervious surface area). Tier 1 properties are assessed 0.5 ERUs.

Tier 2: Medium Residential (1,800 to 3,600 square feet of impervious surface area). Tier 2 properties are assessed 1.0 ERUs.

Tier 3: Large Residential (greater than 3,600 square feet of impervious surface area). Tier 3 properties are assessed 1.5 ERUs.

The non-residential fee is based on the calculated number of ERUs for the existing impervious surface multiplied by the base ERU fee.

IV. Credit Policies and Procedures

A. Credit Overview. Property owners can receive a reduction in their Stormwater Management Service Charge through stormwater credits. The stormwater credit is a conditional reduction in the Stormwater Management Service Charge if the property owner takes measures to reduce the stormwater rate or volume of runoff flowing from his or her property. The credit can be obtained through installation and continuing use, operation, and maintenance of an approved Stormwater Control Measure (SCM) that the Borough does not own, maintain, or operate. A SCM is an activity, measure, structural device, or facility that controls stormwater volume and rate, and limits impacts to the Borough’s stormwater system from runoff from the property. These measures can include on-site practices such as rain gardens, bioretention cells, stormwater basins, and other practices that manage stormwater at its source. Only those impervious surfaces associated with a SCM located on the property owner’s parcel are eligible for credit based on that SCM.

In considering a Stormwater Management Service Charge Credit Policy, the Borough acknowledges that an individual property owner's activities can cause a change in demand on the public infrastructure, but that the Borough's stormwater management costs are not entirely dependent on changes in runoff contribution by individual properties. Said another way, the Borough's stormwater program costs decline only so much as a result of individual property characteristics. To that end, the Borough offers a maximum credit of 20 percent (20%), which approximates the proportion that total costs of the Borough's stormwater management program that can be mitigated each year as a result of on-site controls built and maintained by property owners. This 20% program cost reduction includes system inspection and maintenance, some MS4 costs, and planned capital projects. The proposed credit is applicable to both Single Family Residential and Non-Single Family Residential properties. All properties would be subject to the same requirements for credit eligibility and approval.

B. Eligibility. To be eligible for a credit, the property owner must have been assigned a minimum of 0.5 ERUs of impervious coverage and there must not be any outstanding and unpaid Borough utility (stormwater, water, or sewage) fees against the property. Property owners must submit a fully completed Credit Application Form along with any other documentation required by the Borough. All properties are eligible for a credit.

C. Credit Details. Property owners may apply for credits and the credits will be cumulative up to a maximum credit of 20% of that property's Stormwater Management Service Charge. In no circumstance may a credit or group of credits reduce the property's Stormwater Management Service Charge to an amount that is less than 80% of the calculated charge for that property. Property owners that provide measures to mitigate the impacts of runoff on the stormwater system will be eligible for credits to the Impervious Surface area unit charge portion of the Stormwater Management Service Charge, proportional to the extent those measures address the impacts of peak discharge and total runoff volume from the site.

The Stormwater Management Service Charge for properties with approved credits will be calculated as follows:

Billable ERUs = Total ERUs – Credit ERUs

Monthly Fee = Billable ERUs x Stormwater Management Service Rate (\$/ERU/Month)

Where:

Billable ERUs = The number of ERUs billed to the developed property

Total ERUs = The number of ERUs on a parcel before any credits have been granted,

Credit ERUs = The total number of ERUs granted as credit for the parcel.

Stormwater Management Service Rate = The current per ERU rate as defined Chapter 220

The Borough’s land development and stormwater management ordinances require that certain new development install SCMs to manage both water quality and water quantity. The minimum requirements, as described in Borough Code (§ 217-14 and § 217-15) are:

- Do not increase the post-development total runoff volume for all storms equal to or less than the two-year, twenty-four-hour duration precipitation.
- Stormwater facilities shall be sized to capture at least the first two inches of runoff from all new impervious surfaces. At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow; i.e., it shall not be released into the surface waters of this commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.

Any property within the Borough that treats stormwater to the standards described in the current development ordinance will be eligible for a 20% reduction in that property’s stormwater fee. Properties that install and maintain SCMs that treat stormwater to a less extent than the standards described in the current development ordinance will be eligible for reduction in that property’s stormwater fee as follows:

SCM sized to capture and permanently remove for the two-year, twenty-four-hour duration precipitation	Stormwater Credit
Less than first 0.50 inch of runoff	0%
first 0.50 inch of runoff	10%
first 0.75 inch of runoff	15%
first 1.00 inch of runoff	20%

Each credit allowed against a parcel's Impervious Surface area unit charge portion of the Stormwater Management Service Charge shall be conditioned on continuing compliance with the performance standards set forth in this Credit Application Instruction Manual and/or the applicable standards set out in the Borough's Stormwater Management Ordinance existing at the time of construction of such facilities and may be rescinded for noncompliance with those standards.

D. Initial Credit Application. Credit applications must be submitted with all required documentation to the Borough as described on each application. Applications can be submitted via e-mail to stormwater@carlislepa.org or via mail to Borough of Carlisle Stormwater Program, 53 W. South Street, Carlisle, PA 17013. See Appendix A for Credit Application Form. An online application is available at www.carlislepa.org/my-borough/stormwater-information. When an application is received, the Borough will conduct an administrative completeness review of all submitted materials. If the application is not complete, the Borough will contact the applicant and request the additional information necessary to complete the application. Following the receipt of a complete application, the Borough Engineer will provide a complete review and the applicant will be notified in writing when an application is approved or denied. If an application is denied, the notification will give the reason for the denial. A Property Owner may appeal the denial to the Borough Manager or his designee who shall make the final ruling on the validity of the denial.

Each credit for which a property owner applies shall be subject to review and approval by the Borough Engineer. The Borough Engineer may approve or reject any application for a credit in whole or in part. The Borough reserves the right to review all plans, materials, reports, and documentation for accuracy and inspect any installations or features for proper function related to the Credit program at any time. If, after review, the accompanying documentation is found to be inaccurate or incomplete, or upon inspection issues are discovered with the installation or operation of the SCM, or Operation and Maintenance Agreement, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The Owner must provide written documentation to the Borough within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of Borough staff, the deficiency is not satisfactorily

corrected, the credit applied to the property will be terminated, effective the following billing cycle.

An applicant for a credit must submit the following documentation:

1. General Credit Application (Appendix A).
2. Stormwater Management Plan. (Plan consistent with requirements of § 217-17 of the Code of the Borough of Carlisle)
3. Inspection and Maintenance Plan. (Plan consistent with requirements of § 217-25 of the Code of the Borough of Carlisle)

To prove that an SCM is meeting the standards when applying for a credit the first time, a property owner shall submit the original Stormwater Management Plan and calculations, including a licensed engineer's certification that the standards continue to be met. In subsequent years, the Borough would require certification by a licensed professional that the SCM continues to be property functioning. This repeat certification shall be every two years.

E. Credit Renewals and Expiration. Approved credits will be valid for two (2) years, except where a term is explicitly noted otherwise. Credits will automatically be renewed based upon credit conditions still being met, but the magnitude of the credit may be altered based upon changes in the Borough's regulatory requirements or operating costs. Approved credits will automatically expire when the property changes ownership. Please note that although the credits expire upon ownership change, any Operations and Maintenance Agreements, easements, and Access Agreements remain permanently in effect. New Owners will be required to submit a Continuation of Existing Credit for New Property Owners application form (See Appendix B) to be eligible for the expired Credit. Reapplication for Credit continuance is required to (1) ensure that the Credit is still applicable to the property, and (2) to ensure the new Owner fully understands the requirements of the Credit, including Operations and Maintenance procedures.

F. Credit Termination. Upon written notice, the Borough, in its sole discretion, may revoke any previously approved Credit when the Owner has failed to meet the conditions of the Credit,

the conditions of the Operation and Maintenance Agreement and/or has delinquent stormwater, sanitary sewer, or water user service fees. The Owner will be notified in writing of the reason for Credit termination and will be provided with the corrective measures required to have the Credit reinstated.

G. Inspection Report. For all properties granted a Credit, the Owner must submit periodic Inspection Reports to the Borough. The frequency of the Inspection Report will be identified as a condition of the Credit. If the reporting requirements are not met, then the Credit will be suspended. The suspended Credit will not be reinstated until an acceptable Inspection Report is submitted to the Borough and the SCM which the Credit is being applied for is operating in a satisfactory manner. There is no fee associated with submitting an Inspection Report.

H. Borough Inspection. When applying for a Credit, the Owner agrees that properly identified Borough personnel may at reasonable times enter any property unannounced to inspect the property or condition or operation of SCMs. If, after its review or inspection, Borough staff finds the SCMs or Operations and Maintenance Agreement out of compliance with either the Credit Application or operational requirements, the Owner will be notified in writing and given sixty (60) days to correct the inaccuracy or non-compliance (“Notice of Non-Compliance”).

I. Notice of Non-Compliance. The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to provide The Borough with written documentation and evidence satisfactory to Borough staff that the issues described in the Notice of Non-Compliance have been corrected. If the Owner fails to provide a written response within the designated time frame or if the issues described in the Notice of Non-Compliance have not been corrected, the Credit will be suspended the following billing cycle. The Credit suspension will remain in effect a minimum of three (3) months. The Owner may reapply for the Credit once it has documentation, satisfactory to Borough staff, that the issues described in the Notice of Non-Compliance have been corrected and that the SCMs has been functioning in compliance with the requirements for a minimum of three (3) months.

V. Reduction of Impervious Surface

Property owners can also reduce the magnitude of their Stormwater Management Service Charge by reducing the amount of impervious surface present on their property. Owners may reduce the amount of impervious surface on their property by the installation of either a vegetated green roof or permeable pavement. If the proper documentation is submitted to delineate the area of green roof and/or permeable pavement, and to demonstrate that it was designed and installed correctly, then the area of the green roof and/or permeable pavement will be removed from the parcel's impervious area calculation. Biannual recertification must be submitted to document that the green roof or permeable pavement still exists, and that it is being properly maintained.

Property owners may also reduce impervious area by demolition of structures or pavement and replacement of the impervious surface with vegetation. Owners can request that the impervious area be re-delineated following the establishment of the vegetation. Areas that are not brought to the Borough's attention will be re-delineated automatically during periodic impervious surface evaluations. Once removed there is no further recertification required. This is not considered a credit but rather a direct reduction in a properties impervious area.

Reduction of impervious surface through the use of a green roof or permeable pavement and resultant reduction of fee is valid for two (2) years. The applicant must submit a biannual recertification application to the Borough to continue to receive this reduction of their stormwater fee. The applicant must use the recertification application provided by the Borough (see Appendix C). Failure to submit the required documentation will result in a recalculation of the impervious surface and a resulting increase in the property's Stormwater fee. The Borough will notify the applicant prior to the expiration of credits and the deadline for recertification.

VI. Appeals

Appeals are different than credits. Appeals should be filed when a property owner believes the Borough incorrectly estimated their property's impervious area value used for assessing the monthly Stormwater Management Charge. Credits are for eligible actions a customer takes on their property to control stormwater. If a property owner believes the Borough's determination of the impervious area for their property is erroneous, they may file an Impervious Area Adjustment

Appeal. It is the property owner's responsibility to demonstrate that the Borough's calculation of impervious area is erroneous by fully completing and submitting to the Borough an Impervious Area Adjustment Appeal Form (See Appendix D). Following submission of a Stormwater Adjustment Appeal Form, the property owner shall grant the Borough permission to enter their property at reasonable times and without unreasonable disruption, to inspect the property to ensure the information provided in the Adjustment Appeal Form accurately reflects the property's current conditions. There is no fee associated with submitting an adjustment appeal, however, the property owner is solely responsible for any costs incurred in the preparation and submission of the adjustment appeal and all required appeal documentation. If the adjustment appeal results in a revised calculation of impervious area, then the stormwater management charge for the property will be corrected by the Borough to reflect the revised impervious area determination for the next billing cycle and will include an adjustment to the stormwater management charge for the month the determination was completed.

An appeal of a disputed bill shall be filed with the Borough Finance office for review and disposition. If the Owner is not satisfied with the disposition of the appeal by the Finance office, the Owner within 10 days of disposition of the appeal by the Finance office may further appeal the disputed charge to the Borough Manager or his designee who shall make the final ruling on the validity of the appeal.

VII. Stormwater Agreements

The Borough may enter into a special agreement with property owners interested in installing and maintaining stormwater infrastructure on their property that receives stormwater runoff from public areas. The facilities may also receive runoff from the owner's property. The facilities can be either green or gray infrastructure. Green infrastructure includes a range of soil-water-plant based systems that intercept stormwater, infiltrate a portion of it into the ground, evaporate a portion of it into the air, and in some cases release a portion of it back into the Borough's stormwater system. Green infrastructure is designed to reduce and treat the stormwater at or close to its source, which differs from gray infrastructure (conventional piped drainage) which is designed to move the stormwater downstream away from developed properties. A stormwater agreement affords the property owner the opportunity to further reduce their Stormwater

Management Service Charge. The Borough encourages property owners who are interested in exploring this opportunity to contact the Borough. Borough staff will conduct a preliminary evaluation of the property to determine if it is suitable for construction of a stormwater BMP.

Disclaimer

By submitting a Stormwater Management Program Fee Credit Application pursuant to this Instruction Manual, Property Owner acknowledges and agrees that he and his heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all Best Management Practices (“BMPs”) constructed, installed, or employed by the Property Owner. The Borough of Carlisle shall not be responsible for or liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom. Property Owner and his heirs, grantees, successors, and assigns shall indemnify and hold harmless the Borough of Carlisle, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorneys’ fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMP.