

STORM WATER CREDIT MANUAL (Draft)
CITY OF O'FALLON

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Revised: November 10, 2007

General Information

Send Application Forms to:

City of O'Fallon
Department of Public Works
Attn: Storm Water Utility Credit
255 S. Lincoln
O'Fallon, IL 62269

Make Checks Payable to:

City of O'Fallon

For Questions Regarding the Credit Application, Contact:

City of O'Fallon
Engineering Group
(618) 624-4500 ext. 3

Application Procedure:

Initial review of Storm Water Utility Credit Applications will be completed within 60 days of receipt of the application form and fee payment. Application fees are one-time and non-refundable. 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. Application for any credit is an acknowledgement of the indemnification statement in Chapter 2 of this document (Section E), and the City of O'Fallon's (City) right-of-entry to inspect and verify the information submitted on said application. 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 60 days of receipt of the additional information. Billing adjustments required to implement credits shall be applied retroactively to the date of the customer's original application. 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 Chapter 6.

CHAPTER 1: INTRODUCTION

The City Council of the City of O'Fallon, Illinois passed **Ordinance No. _____**, creating a citywide Storm Water Utility to provide funding for storm water management activities. The primary revenue source for the Storm Water Utility is Storm Water Service Charges billed to all properties in the City. Storm Water Service Charges to a property are related to the amount of storm water runoff from the property. Since it is not feasible to directly measure this runoff, the actual charge is based on a minimum fee charged to undeveloped properties and a fee based on the amount of impervious area on each developed property. In general terms, the impervious areas are the portions of the property that shed water readily during a storm. Typical impervious areas include walkways, driveways, roofs, awnings, patios, parking lots and compacted aggregate.

A statistical sampling of residential properties within the City determined that an average developed single-family residential property has 3,650 square feet of impervious area. As a result 3,650 square feet is used as the base billing unit, or ERU (equivalent residential unit).

Each detached, single-family residential property is billed according to a flat rate schedule contained in the Municipal Code. The Storm Water Service Charge for other developed properties is determined on a case-by-case basis according to the amount of impervious area on the property. The amount of impervious area is measured in square feet and divided by 3,650. The result of that division is rounded up to the next whole number and becomes the number of ERUs assigned to the property. That number multiplied by the unit-billing rate contained in the Municipal Code yields the storm water service charge for that particular property.

The number of ERUs assigned to properties will remain constant unless physical changes are made that alter the amount of its impervious surface area. In these cases, billing changes will be made at the completion of construction. Typically, these changes will be triggered through the building permit process.

The City of O'Fallon has developed a system of credits for storm water service customers who have facilities or controls in place to temporarily store or treat storm water runoff, thereby reducing the impact on the drainage system. This manual details the policies and procedures applicable to the storm water service charge credit program.

CHAPTER 2: CREDIT POLICIES

It is the City's intent to encourage sound technical design practices that reduce the negative impact of development on the drainage system through a simple but effective credit system. Certain policies have been developed to maintain a balance between simplicity and effectiveness. Properties whose impact on the storm water drainage system is significantly limited or has been effectively reduced through specific controls shall be entitled to a credit adjustment that will be applied to its storm water service charge.

A. APPLICATION FEE AND DETERMINATION - A 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. The credit application fee is \$100.00 per property. It is the intent of the Department to process applications within sixty (60) 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 Service Charges. In the case of new development, Storm Water Service Charges and the associated credits detailed herein do not apply until a request for final inspection is submitted.

B. QUANTITY REDUCTION CREDITS are offered to customers that maintain runoff facilities or controls, such as detention or retention facilities, which significantly restrict storm water runoff rates released from their property. Quantity Reduction Credits shall be conditioned on continuing compliance with the design, operation and maintenance requirements of all the applicable ordinances and codes of the City of O'Fallon, State or Federal Permitting, and this Storm Water Credit Manual.

- The **Rate Reduction Credit (RR)** is available for storm water facilities that control the post-development peak rate of storm water runoff at the pre-development rates for the two (2), five (5), ten (10), twenty-five (25), and one hundred (100) year design storms.
- The **Additional Rate Reduction Credit (AR)** is available for storm water facilities that reduce the peak flow rates of storm water runoff in the post-

developed condition at least 20% below the pre-development runoff rates. This additional reduction in runoff rates is beneficial to the City because it provides additional benefit to downstream properties from even larger storm events.

- The **Additional Volume Credit (AV)** is offered to customers that provide at least 20% additional volume in their detention facilities beyond City requirements. This additional volume is beneficial to the City because it provides storage to protect downstream properties from even larger storm events and/or from neighboring upstream properties that drain through the customer's property.

Qualification requirements and application procedures for these credits are outlined in Chapter 3.

C. QUALITY CREDITS (QC) will be offered in the future to properties that discharge a portion of the runoff to structural or non-structural best management practices (BMPs) which significantly reduce pollutants in storm water runoff. *This credit will be defined once the City has adopted a criterion for managing the quality of storm water runoff.*

Qualification requirements and application procedures for this credit is outlined in Chapter 4.

D. UNIQUE AND SPECIAL CASES - Where a property owner or customer can unequivocally document and demonstrate through appropriate engineering studies that their property's storm water runoff impact on the storm water drainage system is significantly less than suggested by its assigned (gross) ERUs, the City Council, upon recommendation of the staff, may make adjustments consistent with the intent of the ordinance establishing charges for storm water services.

E. INDEMNIFICATION – In consideration for permission to construct or install a storm water improvement/BMP, and by nature of applying for a storm water user fee credit, the applicant is hereby legally acknowledging and agreeing to the following:

- (1) After completion of the construction or installation by Owners and approval by the City, the construction or installation of a storm water improvement/BMP shall remain a privately owned and maintained storm water improvement/BMP, shall not be accepted by the City, and shall not become a part of the maintenance program of the O'Fallon Storm Water Utility or the Department of Public Works (DPW). All

maintenance responsibility and liability shall be and remain with Owners, their personal representatives, heirs, grantees, successors, and assigns.

- (2) Owners, their personal representatives, heirs, grantees, successors, and assigns shall indemnify and hold harmless the City of O'Fallon, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, maintenance, or operation of the storm water improvement/BMP.
- (3) This Agreement shall run with the real estate upon which the storm water improvement/BMP has been constructed and shall be binding upon Owners, their personal representatives, heirs, grantees, successors, and assigns so long as the drainage facility and/or improvement or any part of it shall be used by them. This Agreement shall be disclosed upon transfer of real estate. At such time as the storm water improvement/ BMP shall cease to be so used, this Agreement shall immediately terminate.

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CHAPTER 3: QUANTITY REDUCTION CREDITS – 40% MAXIMUM

Quantity Reduction Credits will be available to properties whose peak storm water runoff rate is restricted and controlled through onsite facilities or controls, such as detention and retention ponds, which are privately designed, constructed, and maintained according to City standards and requirements.

LEVELS OF CREDIT

As explained in Chapter 2, property owners of private storm water facilities, such as retention/detention facilities, eligible for credit under this chapter may, at their option, apply for the AR and AV in addition to the RR as described below. One must qualify for an RR to be able to qualify for the AR and/or AV.

1. Rate Reduction Credit (RR) – 20% Credit

Storm water facilities that control the post-development peak rate of storm water runoff at the pre-development rates for the two (2), five (5), ten (10), twenty-five (25), and one hundred (100) year design storms qualify for the Rate Reduction Credit.

2. Additional Rate Reduction Credit (AR) – 10% Credit

Storm water facilities that qualify for a RR credit can also qualify for the AR credit if they reduce post-development peak rates in all five design storms by at least 20% of the predevelopment flow rates.

3. Additional Volume Credit (AV) – 10% Credit

Storm water facilities that qualify for a RR credit can also qualify for an AV credit if they provide 20% more storage volume than required for the 100-year design storm. This does not include required freeboard above the emergency spillway.

If a private storm water management system on a property qualifies, it can receive all 3 credits for a total of 40% credit.

APPLICATION REQUIREMENTS

(1) Application fee: \$100.00

(2) The owner shall supply maintenance information along with their application. Any association 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. Inspection reports shall be filed with the City every subsequent year, as calculated from the original application date, in order to maintain any level of Quantity credit. If a property owner fails to file required inspection reports or if a random City inspection results in failure, the City will send a letter informing the property owner of the required action to avoid revocation of the Quantity credits. If the property owner fails to take the required action, the quantity credits will be revoked until the situation is corrected. No retroactive credits will be given during said lapse period. Credits will be restored on the effective date of the submittal of the property owner's acceptable response provided that the property owner responds to the City's letter within 180 days. After 180 days a new application and application fee will be required to reinstitute the credit.

(3) The owner shall supply the following technical information along with their application.

Conceptual site plan and structural control location diagram

- Locations, dimensions and characteristics of all proposed and existing drainage patterns and facilities
- Existing and proposed grading and location of all structures, parking, driveways, and other impervious areas
- Detailed engineering calculations providing the results of routing the storm runoff for the two (2), five (5), ten (10), twenty-five (25), and one hundred (100) year design storm events through the basin or control, along with comparison to predevelopment runoff rates. Total storage volume calculations and emergency spillway configuration are also required. An Illinois Professional Engineer must certify these calculations by sealing them with signature.
- The sum-total of pre-developed and post-developed runoff rates and volumes from all watersheds within the property must be calculated and compared,

regardless of the number of natural or constructed watersheds in the property. Control of runoff in only one of the property's watersheds, ignoring all others, will not receive credit. Control of runoff in only one watershed, which takes into account the runoff from all others, could receive credit.

- Upon completion of construction, as-built data certified by an Illinois Professional Engineer by seal and signature shall be submitted in order to complete the application. The as-built data must verify the capacity of the detention facilities and outlet structures for which the credit has been applied.

NOTE: Developers are encouraged to apply for all levels of quantity credits on new developments as part of the normal development plan review procedures. The credits, as well as the Storm Water Service Charges, do not go into effect until a request for final inspection is submitted. **Credits will not begin until as-built data has been submitted.**

- (4) Existing facilities will be eligible for credit as long as they meet the requirements of the City of O'Fallon Storm Water Ordinance and Construction Standards. In this case, the information required in Nos. 2 & 3 above and any other supporting material shall be submitted for review. Retrofitting of existing structures is also allowed to provide or increase the amount of credit for a property. The process for retrofitting existing structures is similar to that for new developments. As-built data shall be submitted for the existing or retrofitted structure before the credit will be applied.
- (5) The owner shall be required to 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 information was inaccurate may result in loss of credit.

See Chapter 5 for an example application for the Quantity Reduction Credits.

CHAPTER 4: QUALITY CREDIT – 10% MAXIMUM

Quality Credits (QC) will be available to properties where structural or non-structural storm water best management practices (BMPs) are located and which are used to treat storm water runoff. Currently, the City does not have water quality requirements, nor have requirement been levied on the City by any regulatory body.

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CHAPTER 5: APPEAL OF CREDIT DETERMINATION OR CREDIT REVOCATION

Any person that feels that a storm water user fee credit application was unfairly reviewed or that a previously approved storm water user fee credit was unjustly revoked may petition the City Engineer for a review of these actions.

RULES FOR PETITION

1. That the petitioner is current on his or her storm water user fees;
2. That the petitioner has good cause to believe that the storm water user fee credit review was erroneously reviewed, or that the storm water user fee credit was revoked without just cause; and
3. That within sixty (60) days of the petitioner's receipt of the credit determination or revocation, the City Engineer receives from the petitioner a written petition for review of the credit determination or revocation and a brief statement of fact demonstrating the petitioner's right to a review. The petitioner may include with his petition any additional information he deems relevant. If the petitioner wishes to have an informal hearing on his petition, a request for a hearing must be included with his petition.

HEARING OFFICER RESPONSIBILITIES

1. The City Engineer shall appoint an account review officer (ARO) to review and resolve petitions for credit applications and revocations. The ARO may be a qualified independent contractor or an employee of the city who serves as a hearing officer as part of his duties.
2. The ARO shall consider the petitioner's statement of fact, as well as any other relevant and material evidence available in determining whether the petitioner is entitled to an adjustment of the storm water user fee credit or whether the petitioner should not have his or her storm water user fee credit revoked.
3. If a hearing has been requested as provided in this article, the hearing shall be before the ARO and shall be held within 30 days of the receipt of the request for hearing, unless a continuance is requested by the petitioner or requested by the department and agreed to by the petitioner. At the hearing the petitioner and the department may present any evidence that is, in the ARO's view, relevant and material to the dispute.

4. Based on the petitioner's statement of fact, evidence presented at the hearing, if one was requested, and any other relevant and material evidence available, the ARO shall issue a written decision on the petition. The ARO may grant, deny or modify the petition.
5. The ARO's decision shall be final and binding and shall be issued to the petitioner within ninety (90) days of receipt by the City Engineer of the petition for adjustment if no hearing was requested, or ninety (90) days from the conclusion of the hearing.

APPEAL OF DECISION

1. The petitioner may appeal the ARO's final determination to the Public Works Committee, provided that the board has received written notice of appeal within thirty (30) days of the petitioner's receipt of the ARO's final determination.
2. The Public Works Committee shall notify the petitioner of the time and place of the hearing on the petitioner's appeal. The petitioner shall have the burden of proving that he is entitled to an adjustment of the storm water user fee credits or that the revocation of credits was not justified.
3. At the hearing, the Public Works Committee shall consider any relevant and material evidence available in determining whether the petitioner is entitled to an adjustment of the s storm water user fee credits or that the revocation of credits was not justified. The hearing shall be recorded by audiotape.
4. The Public Works Committee may grant, deny or modify the petition for adjustment or for reinstatement. If the board determines that the petitioner is entitled to an adjustment or reinstatement of the storm water user fee credits, the board may, in its sole discretion, make such adjustment in the form of a refund or a credit against future storm water user fees, or both.