

**CODE OF REGULATIONS – APPENDIX 1  
ADJUSTMENT AND CREDIT POLICY  
ABC WATER AND STORM WATER DISTRICT**

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## Section 1 - Introduction

The ABC Water and Storm Water District (the District or "the District"), formed by Austintown Township, Boardman Township, and Canfield Township under the auspices of Section 6119 of the Ohio Revised Code, established a Storm Water Utility Fee on \_\_\_\_\_, with the passage of Resolution No. \_\_\_\_\_. The Storm Water Utility Fee provides the District with the authorization to establish and collect just and equitable rates, fees, and charges for the services and facilities provided by the Storm Water Utility Fee system.

The District's Storm Water Utility Fee establishes a mechanism for billing the costs of operating and maintaining the District's storm water management system, and financing the necessary repairs, replacements, improvements, and extensions. The District's resolution provides the mechanisms for billing and payment and establishing the Storm Water Utility Fee. This Adjustment and Credit Policy outlines the guidelines under which the District will grant adjustments and credits to Storm Water Utility Fees.

### 1.1 Definitions

The definitions in CHAPTER 1 of the District's Regulations shall be used in this Appendix, unless the context of any section of this Appendix specifically indicates that definitions are not applicable.

## Section 2 – Storm Water Utility Fee Adjustment and Credits

### 2.1 Adjustments and Credits Procedures

The following procedure addresses both adjustments and credits of Storm Water Utility Fees. The District grants Storm Water Utility Fee adjustments when customers identify incorrect information contained in the District's billing database. Adjustments typically occur when the District has incorrectly delineated the impervious area within a nonresidential property, or when a residential customer is incorrectly assigned an incorrect storm water billing unit.

Storm Water Utility Fee Credits are associated with the construction, operation, and maintenance of privately-owned storm water facilities that provide beneficial use to the District. Both residential and nonresidential customers can qualify for Storm Water Utility Fee adjustments; whereas only nonresidential customers qualify for Storm Water Utility Fee credits.

### 2.2 General Application and Evaluation Procedures

Exhibit 1-A contains Storm Water Utility Fee Forms that are used to apply for an adjustment or credit. The District Board, or designee, will review adjustment and credit

applications within a 90-day period from the date of filing. Fee changes shall be retroactive for the Storm Water Utility Fee's initial year and will not exceed one year; subsequent evaluations will allow fees to be reduced from the date of the application.

### **2.3 Application and Evaluation Procedures for Storm Water Utility Fee Adjustments**

Applications for an adjustment to the Storm Water Utility Fee shall be submitted to the District Board, or a designee with authority to administer this policy. Review criteria for the adjustment of fees are established herein. All requests under this Adjustment and Credit Policy shall be judged on the basis of the information provided by the Applicant, with verification as deemed necessary by the District, consisting of the number of dwelling units and the amount of impervious area on the site. Information related to impervious area must be certified by a professional land surveyor registered in the State of Ohio.

Any owner who believes that an incorrect number of Equivalent Residential Units (ERUs) is used to calculate the owner's Storm Water Utility Fee may submit an adjustment request on the appropriate form supplied by the District. Storm Water Utility Fee Form No. 1 is for residential ERU adjustments and Storm Water Utility Fee Form No. 2 is for nonresidential ERU adjustments.

Storm Water Utility Fee adjustments shall be granted when the applicant demonstrates that one or more of the following conditions exist:

- The property contains a different number of dwelling units than used to define the number of ERUs. The ERU tier assigned to each residential property was developed using available county data and a regression analysis which estimates impervious area of each residential property from a representative sample. Therefore, the residential tier assigned to each property is non-negotiable.
- For non-residential properties only; Runoff from an impervious area meets the standards of section 2.3.1
- For non-residential properties only; On-site gravel is not compacted, not used for vehicular traffic, and not impervious. The District may grant adjustments for non-compacted gravel areas used for landscaping or other purposes. The District considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas, and as such, no adjustment will be granted. The District Board will determine the intended purpose of gravel areas based on the information provided by the Applicant.

The first step in the adjustment process will be a review of the number of dwelling units and/or the District's calculation of the impervious area. If resolution is not achieved, the District may request the customer to provide supplemental information to the District including, but not limited to, survey data prepared by an Ohio registered Professional Surveyor (P.S.) that presents the amount of impervious area and compacted gravel area on a parcel and/or engineering reports prepared by an Ohio registered

Professional Engineer (P.E.). Failure to provide such information, if required by the Board, may result in the denial of the adjustment request.

The District Board, or designee, shall respond in writing to all adjustment requests. The response shall provide an explanation of adjustment approval or denial as well as requests for additional information. Adjustment denials may be appealed to the District Board, or designee, as presented in Section 3.0.

**2.3.1 Adjustments for On-Site Retention**

Portions of the impervious area within a parcel may be deducted from the total impervious area of the parcel if the property owner can demonstrate that the runoff meets the criteria set forth in the Mahoning County Drainage Criteria and Stormwater Manual, specifically the Critical Storm Method as defined in Section 3.

$$\text{Adjusted Billing Units} = \text{Total Billing Units} - [(I_r/I_{ERU}) * D]$$

where:

Total Billing Units = Total billing units (ERUs) based on all impervious area on property

$I_r$  = Amount of impervious area with runoff retained on-site, sq. ft.

$I_{ERU}$  = amount of impervious area in 1 ERU = 4,764 sq. ft.

D = Detention factor, expressed as a fraction (i.e., 85% = 0.85), based either on the standard detention factors listed in **Table 1-1**.

**Table 1-1  
Standard Detention Factors**

Design Storm Retained	Detention Factor, D,
100-year, 24-hour	40%
50-year, 24-hour	30%
25-year, 24-hour	20%
10-year, 24 hour	10%
< 10-year, 24 hour	0%

**Example 1:**

**Non-residential property with 100 ERUs (476,400 sq. ft. of impervious area) with the entire impervious area contributing to the detention feature:**

**Adjusted Billing Units = 100 ERUs – [(476,400 sq. ft. / 4,764 sq. ft./ERU) \* 0.40] = 60 ERUs**

**Example 2:**

**Non-residential property with 100 ERUs (476,400 sq. ft. of impervious area) with half of impervious area contributing to the detention feature:**

**Adjusted Billing Units = 100 ERUs – [(238,200 sq. ft. / 4,764 sq. ft./ERU) \* 0.40] = 80 ERUs**

Applicants must provide sufficient demonstration to support a service fee adjustment for on-site detention. Submittal of hydrologic data, water quality data, design specifications, and other pertinent data must be supplied and stamped, signed, and sealed by a Professional Engineer on behalf of property owners.

In order to receive this adjustment annually, the applicant agrees to perform adequate and routine facility maintenance, the proper operation and maintenance must be certified annually by a Professional Engineer. Certifications must be submitted online at <http://www.abcwaterdistrict.com/> by August 1<sup>st</sup> of each year.

## **2.4 Storm Water Utility Fee Credits**

Residential properties are not currently eligible for Storm Water Utility Fee credits, as mentioned in section 2.3. Nonresidential customers may qualify for Storm Water Utility Fee credits when they can demonstrate that a facility provided and adequately maintained by the applicant provides the District with a cost savings that the District otherwise would incur as part of its efforts to manage storm water. The amount of reduction will be determined by the District on a case-by-case basis and will generally be applicable to facilities that are designed to exceed minimum District requirements and/or that receive drainage from upstream properties.

Applications for credit requests must be prepared in writing by the property owner using Storm Water Utility Fee Form No. 3 and submitted to the District Board. Plans should be submitted online at <http://www.abcwaterdistrict.com/>. To receive the credit, the property owner shall supply to the District the following:

- 1: Site plan and as-built construction drawings (signed and sealed by a licensed surveyor or engineer) that are at an appropriate scale, showing the site, topographic details, overland flow paths, all storm water facilities, and surrounding area;
2. If water quality credits are requested, design calculations must be submitted for the existing or proposed storm water facilities. The calculations shall document whether the design criteria for the facilities meet or exceed District and/or Ohio EPA criteria for post-construction storm water management. The maximum credit permitted by the District for water quality credits are listed in Section 2.4.1.1.
3. If water quantity credits are requested, design calculations must be submitted for the proposed storm water facilities. Design calculations shall be based upon hydrologic and hydraulic methodologies approved by the District that accurately

- describe the runoff and conveyance through the site. The maximum credit permitted by the District for water quality credits are listed in Section 2.4.1.2.
4. A topographic map must be submitted that outlines the size of the drainage area upstream of the facility/project, including any off-site area that contributes to and/or is controlled by the facility.
  5. Detailed floodplain and floodway information of the site must be submitted if it exists.
  6. A detailed report must be submitted that clearly describes how the storm water facility/project functions for design storm events for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year frequency storm events.
  7. A proposed maintenance schedule must be submitted by the property owner that describes in detail the maintenance activities for the storm water facility. In order to receive this credit annually, the applicant agrees to perform adequate and routine facility maintenance, the proper operation and maintenance must be certified annually by a Professional Engineer (P.E.). Certifications must be submitted online at <http://www.abcwaterdistrict.com/> by August 1<sup>st</sup> of each year.

In cases where the District Board or designee documents that conditions exist to warrant a credit or adjustment per the policy the above requirements may be waived or changed.

#### **2.4.1 Storm Water Utility Fee Credit Components**

Credits will be awarded only for facilities that are designed to exceed minimum District requirements, that receive drainage from upstream properties, and/or that the District determines reduce District storm water management services. Nonresidential customers that own and properly maintain these facilities will be eligible for credits. The District will grant credits to nonresidential customers that construct storm water capital improvement projects that address water quality and/or water quantity. The maximum credit for any improvements made to a single parcel are limited to 40%. If a project includes features managing stormwater from additional adjacent or upstream properties, the District may determine additional percent reduction on a case-by-case basis. To be eligible for credits, storm water facilities must be designed and constructed to specifications exceeding District and/or County requirements and/or receive drainage from upstream, off-site areas (see Sections 2.4.1.1. and 2.4.1.2 below for more detail).

##### **2.4.1.1 Water Quality Credits**

Nonresidential customers may receive credits for structural best management practices (BMPs) that provide storm water quality enhancement. Nonresidential customers provide the District with cost savings by constructing new or retrofitting existing storm water facilities to improve the quality of the District's receiving streams. Customers who apply for credits must provide supporting documentation that their existing or proposed facilities are properly designed to provide pollution reduction.

Customers requesting a water quality credit must submit documentation that their facilities receive drainage from upstream areas and/or exceed the design requirements outlined in Chapter 5 of the *Urban Runoff Quality Management – WEF Manual of Practice No. 23* or the latest version of the Ohio Department of Natural Resources *Rainwater and Land Development Manual*.

While Table 1-2 provides maximum credit percent reductions, each project will be reviewed on a case-by-case basis and percent reduction, which may be less than the maximum credit percent reduction, will be approved by the District based upon the information submitted.

**Table 1-2  
Water Quality Stormwater Control Measures**

Credit Available	Stormwater Control Measure
25%	Bioretention
	Infiltration Basin*
	Constructed Wetland (above permanent pool)
	Subsurface Gravel Wetland
	Rainwater Harvesting**
20%	Sand or other Media Filtration
	Pervious Pavement
	Tree Filter and/or rain garden
	Infiltration Trench
	Wet Extended Detention
	Enhanced Water Quality Swale
15%	Vegetative Swale
	Dry Extended Detention Basin
	Manufactured Units***

\*Underground galleries that infiltrate the water quality volume shall fall under the infiltration basin credit.

\*\*In order to qualify for a Stormwater Quality Credit, the property owner must demonstrate that the stored water quality volume will be drained through use in an industrial, commercial or agricultural practice within 3 days (72 hours) to permit capture of consecutive storm events. The actual credit percentage will be prorated based on the number of months the system is operational. Stormwater that is discharged to a sanitary or combined sewer following industrial or commercial use may be subject to sewerage service charges.

\*\*\*Tested using the protocol in the Technology Acceptance Reciprocity Partnerships (TARP) Protocol for Stormwater Best management Practice Demonstrations, is shown to have a minimum total suspended solid removal efficiency of at least 80%, consistent with the Ohio EPA NPDES Construction General Permit, Part III.2.e: Alternative Post-Construction BMPs requirements.

#### 2.4.1.2 Water Quantity Credits

The District's design standards require, as a minimum, that storm water facilities manage the runoff generated from the property's developed area. To qualify for water quantity credits, nonresidential customers must demonstrate that their proposed facilities exceed the District's minimum requirements and manage storm water generated from their immediate property and/or from additional upstream drainage areas. Structural best management practices (BMPs) that are eligible for credits include, but are not limited to, the following:

- Storm Water Detention Basins
- Storm Water Retention Basins
- Storm Water Channels
- Infiltration/bioretention practices
- Constructed Wetlands (with water quantity benefits)
- Underground storage facilities

The Storm Water Utility Fee Credit equation is the same as that provided in Section 2.3.1 as related to water quantity Storm Water Utility Fee Adjustments.

**Table 1-3**  
**Standard Detention Factors**

Design Retained	Storm	Detention Factor, D,
100-year, 24-hour		40%
50-year, 24-hour		30%
25-year, 24-hour		20%
10-year, 24 hour		10%
< 10-year, 24 hour		0%



## **2.5 In-Kind Services**

If a Storm Water Utility Fee customer provides in-kind services to the District, the monetary value of the in-kind contribution may be deducted from the customer's Storm Water Utility Fee charge. For example, a school that sponsors and organizes a water festival or implements storm water related curriculum for students could negotiate a credit with the District toward the Storm Water Utility Fee. A credit based on in-kind services would require a signed agreement between the applicant and the District that expressly outlines the scope and monetary value of the services being provided.

## **Section 3 - Appeals**

When the District staff and/or designee has rendered a written interpretation or ruling on an adjustment/credit application, the applicant shall be allowed 60 calendar days (from the date of the receipt of interpretation or ruling) within which to file an appeal, using Storm Water Utility Fee Form No. 4, with the District Board.

As part of the appeals submittal, the Storm Water Utility Fee customer shall submit the following:

- 1) The interpretation, ruling, or order for which the applicant is submitting an appeal
- 2) The provisions of the Adjustment and Credit Policy that the applicant deems relevant to the appeal.
- 3) The applicant shall also state, specifically where the interpretation, ruling or order is in error or dispute.
- 4) If the appeal is based on a request for an adjustment or credit, the petition shall specify the provision(s) from which the adjustment or credit is sought, and how the request otherwise satisfies, and does not significantly conflict with the other requirements of this policy and the applicable District resolution, rules and regulations.

The District Board shall complete the review of the appeal within 90 days of receipt of said request for review. The determination on the review shall be in writing and set forth, in detail, the reasons for the decision.

**Exhibit 1-A**