

Stormwater Management Program
Credit Policy and Appeals Process Manual
Policies & Procedures

LOWER ALLEN TOWNSHIP
STORMWATER AUTHORITY



FEBRUARY 2019

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Introduction

Stormwater Management is very important to our community. Lower Allen Township is committed to managing stormwater infrastructure and pollutants generated by impervious surfaces and stormwater runoff so that it does not have a harmful effect on streams and does not cause flooding and subsequent property damage.

The overall goal of Lower Allen Township is to develop a sustainably-funded stormwater program that addresses the long-term stormwater needs of the Township and to comply with state and federal mandates. In order to develop the Stormwater Program, a Stormwater Fee structure was established to fund the Program. In addition, the Lower Allen Township Stormwater Authority (LATSA) was established to oversee the funding portion of the Program.

Stormwater Fee revenues will allow the Township to ensure MS4 Permit regulatory compliance including the Chesapeake Bay Pollution Reduction Plan, provide for storm sewer system replacement and repairs, improve water quality, and provide for future capital improvements.

The Lower Allen Township Stormwater Authority Fee Resolution currently in effect defines the Impervious Area (IA) per Equivalent Residential Unit (ERU) to be 3,115 square feet. This has been determined based upon the average IA of properties in the Township.

The Board of Commissioners has asked LATSA to assess Stormwater Fees on every Parcel in the Township. In conjunction with the collection of Stormwater Fees, LATSA has adopted this Stormwater Management Program Credit Policy and Appeal Process Manual to establish a process for property Owners to obtain Credits and Stormwater Fee adjustments.

LATSA has no staff and relies on the LAT staff for support. For this reason, the LAT staff is the primary point of contact for all stormwater issues.

Definitions

For the purposes of this Manual, certain terms and words used herein shall be defined as follows:

Appeal Form. The appeal form that is attached hereto as Appendix “B” that property Owners must file if they believe that the Stormwater Fee for their property has been calculated incorrectly.

Best Management Practices (BMPs). Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this manual. Stormwater “structural” BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include but are not limited to a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

Credit Application. The Stormwater Management Fee Credit Application that is attached hereto as Appendix “A” and must be used to obtain the Credits described in this Manual.

Credit. A Stormwater Fee reduction that a property Owner receives for implementing and complying with the practices and policies contained in this Manual.

Equivalent Residential Unit (“ERU”). The measure of impervious ground cover for a typical single-family residential Property used in assessing the fees for each parcel, and which has been determined to be 3,115 square feet.

Impervious Area (IA). An area that prevents or impedes the infiltration of water into the ground. Impervious Surfaces include, but are not limited to compacted aggregate, streets, sidewalks, pavements, driveway areas, roofs, patios, garages, storage sheds and similar structures, and other paved surfaces.

Inspection Report. The yearly BMP inspection reports that are defined in the Lower Allen Township Stormwater Management Ordinance.

LATSA. Lower Allen Township Stormwater Authority

MS4. Municipal Separate Storm Sewer System

Non-Residential Properties. All parcels other than Single Family Residential Properties, including multi-family properties such as apartments and mixed-use parcels (i.e. parcels with both residential and commercial uses). Non-Residential Properties also include mobile home parks, commercial, institutional, governmental, retail, office buildings, storage areas, parking lots or other impervious areas, parks, recreation properties, public and private schools, hospitals and convalescent centers, and industrial parcels.

Operation and Maintenance Agreement. An agreement as described in the Township’s Stormwater Management Ordinance pertaining to the operation and maintenance of existing stormwater management BMPs.

Owner. Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society, or group owning real property in the Township of Lower Allen.

Pennsylvania Stormwater Best Management Practices Manual. The most recent version of the Pennsylvania Stormwater Best Management Practices Manual published by the Pennsylvania Department of Environmental Protection

Single Family Residential (“SFR”). – Parcel containing single family residential homes, attached homes, townhouses, condominiums, duplexes, row homes, manufactured homes, and mobile homes located on individual lots or parcels of lands. Parcels may be classified as “SFR” despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. “SFR” shall not include parcels containing structures used for non-residential purposes; manufactured homes and mobile homes located within a manufactured home or mobile home park.

Stormwater. Drainage runoff water from the surface of the land resulting from precipitation, such as rain, snow or ice melt.

Stormwater Management System. The system of runoff avoidance, infiltration, collection and conveyance, including storms sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, manholes, ditches, channels, basins and detention ponds, streets, curbs, drains and all devices, appliances and Stormwater BMPs, such as infiltration and filtration facilities, used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, and/or treating stormwater.

Stormwater Management Ordinance. Chapter 184 – Stormwater Management, of the Code of Ordinances of the Township of Lower Allen.

Stormwater Fee (SF). Fees assessed, imposed and to be collected from each parcel in the Township which is classified by this policy as a Single-Family Residential Property or a Non-Residential Property. Stormwater Fees are assessed on vacant properties in LAT.

Structural BMPs. Structural BMPs include but are not limited to a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention

basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the property

Township. Township of Lower Allen, Cumberland County, Pennsylvania (LAT).

Credit Policies

Eligibility

To be eligible for a Credit, the subject property may be a Residential or Non-Residential property in Lower Allen Township. A Homeowner's Association (HOA) may also be eligible for a Credit for properties within their development. There must not be any outstanding and unpaid Stormwater Fees or Sanitary Sewer/Trash Fees against the subject property. Property Owners must submit a complete Credit Application with any documentation required. All properties are potentially eligible for Credits; however, certain Credits are only available for specific Stormwater volume reductions, as described in the section "Available Credits".

Credit Application Process

Credit Applications, using the Stormwater Fee Management Credit Application in Appendix A, must be submitted along with any documentation required by the application. LAT reserves the right to require additional documentation if the provided information does not support the requested type of credit.

LAT will review the fully completed credit application in a timely manner not to exceed sixty (60) days. If the credit application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with the incomplete items specified. If the credit application is approved as submitted, the credit will be applied for the next billing cycle following approval. If a response is not made within sixty (60) days, then the Credit Application will be denied. The written notification shall state the conditions of the issuance of the Credit and effective date of the Credit. If LAT does not approve the Credit Application in whole or in part, the property Owner shall receive a written notice which includes the reason(s) for the decision.

If the property Owner disagrees with the decision, the Owner may submit a request in writing for a meeting to discuss such decision. LAT will schedule a date and time for the meeting.

Design Standards

All proposed BMPs shall comply with the applicable design standards set forth in the Lower Allen Township Stormwater Management Ordinance (Chapter 184 of the Code of Ordinances: <https://ecode360.com/11211742>) and Pennsylvania Stormwater Best Management Practices Manual. .

Credit Details

Owners may apply for one or more Credits, and the Credits will be cumulative up to a maximum Credit of 50% of the property's original Stormwater Fee (SF) regardless of how many individual Credits the property qualifies for. In no event may a Credit or group of Credits reduce the applicable SF to an amount that is less than 50% of the SF for that property.

The SF for the properties with approved Credits will be calculated as follows:

$$\text{Billable ERUs} = \text{Total ERUs} - \text{Credit ERUs}$$

$$\text{Quarterly SF Rate} = \text{Billable ERUs} \times \text{SF Rate (\$/ERU/Quarter)}$$

Where:

Billable ERUs = The number of ERUs billed to the Lower Allen Customer

Total ERUs = The number of ERUs on a parcel prior to any Credits being granted

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

SF Rate = The current per ERU rate as defined in the LATSA SF Resolution

Credit Renewals and Expiration

Approved Credits will be automatically renewed with submission of the required annual BMP inspection form to the Township. Credits will automatically expire when a property changes ownership. It is important to note that although the Credits will expire with ownership change, any Operations and Maintenance Agreements, Easements, and Access Agreements remain permanently in effect. New property owners are required to complete and submit Credit Application in Appendix A, to be eligible for a Credit. Applications will be administered with the same process as stated in "Credit Application Process" of this document. All Credits are subject to alteration or revocation for just cause.

Credit Termination

Upon written notice any previously approved Credit may be revoked when the Owner has failed to meet conditions of the Credit, the conditions of the Operations and Maintenance Agreement, and/or has delinquent SF or sanitary/trash 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.

LAT 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 BMP, 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 within sixty (60) days of the original notice that the deficiency has been corrected. If the deficiency is not satisfactorily corrected, the Credit currently applied to the property will be terminated, effective the following billing cycle.

BMP Inspection Report

If a property or Homeowner Association (HOA) sponsored group of properties has been granted a credit, the Owner or HOA must submit to LAT annual inspection reports in accordance with Section 32 of the Stormwater Management Ordinance.

The frequency of the BMP inspection report will be identified as a condition of the Credit. The Inspection Report must demonstrate compliance with all program requirements for the preceding calendar year. If the Inspection Report is incomplete or is not submitted by the deadline for reporting as established in the Operation and Maintenance Agreement, the property shall be in non-compliance with the Credit program requirements and the Credit shall be suspended. The suspended Credit will not be reinstated until an acceptable BMP Inspection Report is submitted with documentation that the BMP for which the Credit is being given is being implemented as intended. There is no fee associated with submitting an inspection report.

Inspection

In accordance with Section 29 of the Stormwater Management Ordinance, LAT may enter at reasonable times upon any property within the municipality to inspect the implementation, condition, or operation of the Stormwater BMPs. If, after review and inspection, it is found that

the Credit Application and/or Inspection Report is inaccurate or out of compliance, the property Owner will be notified in writing with a notice and given sixty (60) days to correct the inaccuracy or non-compliance ("Notice of Non-Compliance").

The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to demonstrate 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 for the following billing cycle.

The Credit suspension will remain in effect until the property Owner reapplies for the Credit. The reapplication must include documentation that the issues stated in the Notice of Non-Compliance have been corrected and that the BMP is in compliance with the program requirements. If, after review of the reapplication, the BMP is determined to be in compliance, the credit will be reinstated the following billing cycle.

Credits

Structural BMPs

Credits are available for Structural BMP(s) that comply with the Township's rules and regulations set forth in the Stormwater Management Ordinance (Section 13, Volume Controls).

Structural BMP Credits are applicable to Single Family Residential (SFR) and Non-Residential (NR) properties with Structural BMPs that have a valid Operation and Maintenance Agreement as required by Section 30 of Chapter 184 of the Lower Allen Township Stormwater Management Ordinance. Existing BMPs that have an executed Operation and Maintenance Agreement with the Township may apply for Credits as long as they are up to date with completion of their annual inspection reports to the Township. If an existing BMP does not have a valid Operation and Maintenance Agreement with the Township, then the Credit applicant shall prepare and submit with the Credit Application an executed Operation and Maintenance Agreement prepared in accordance with the requirements of the Stormwater Management Ordinance and provided in a form by the Township.

Existing BMPs can be retrofitted to provide new function and are eligible for Credits for the existing and new functions. The Credits for Structural BMPs only apply to the Impervious Area (IA) controlled by the BMPs.

To apply for a Structural BMP Credit, property owners must submit information documenting that the BMP has been inspected and approved by a professional engineer licensed in Pennsylvania. The inspection shall be a visual inspection to document that the BMP is operating in accordance with its intended function. If information on the design standards and design of the BMP is not available, the applicant may contact LAT to determine to what extent the BMP may be eligible for credit.

Structural BMPs that control the volume of Stormwater runoff from a parcel are eligible for the Volume Control Credit. Examples of volume controls are in the Pennsylvania Stormwater Best Practices Manual. The credit for BMPs that comply with Section 13 – Volume Controls of the Stormwater Management Ordinance – shall be calculated as follows:

$$\begin{aligned} & \text{(\% of total IA managed by the BMP) X (50\% maximum credit)} = \\ & \text{\% total credit on the SF for that property} \end{aligned}$$

Where:

IA = Impervious Area

BMP = Best Management Practice

The maximum Volume Control Credit shall be fifty percent (50%) of the original SF determined for an individual property. The total credit shall be based on the amount of impervious area (IA) that is managed the Stormwater Management Facility (SMF) as compared to the total IA within the property, rounded to the nearest whole percent. The credit can be cumulative for each BMP that is on the parcel up to a maximum of 50%.

Credit will also be considered on a case-by-case basis for other types of Stormwater facilities or control devices that reduce Stormwater runoff based upon the Pennsylvania Stormwater Design Manual that lists acceptable BMPs.

Periodic credit reports will be submitted to the LATSA Board for their review.

Appeal Process

Prior to the first imposition of Stormwater Fees, property owners in Lower Allen Township that will be assessed more than one (1) ERU will receive a letter from LAT with notice of their stormwater fee assessment. Within thirty (30) days of receipt of such letter, property Owners may request a meeting with LAT to challenge the assessment.

Property Owners may, at any time, appeal their Stormwater Fee if the Owner believes that the Stormwater Fee for their property has been calculated incorrectly, or if they believe the fees have been assigned to a parcel that they do not own. The property Owner shall submit a completed Appeal Form in Appendix B. When submitting an Appeal Form property Owners must include a detailed statement of the basis for such appeal and documents supporting the Owner's assertions. A staff designee will review the Appeal Form and supporting materials within sixty (60) days and notify the property Owner in writing the outcome of the review. The property Owner has the right to appeal the staff determination in writing to the LAT Board of Commissioners within thirty (30) days of issuance. Within thirty (30) days of an adverse decision from the LAT Board of Commissioners, an appeal may be taken to the Cumberland County Court of Common Pleas.

If the Owner's appeal for an adjustment is approved, the property Owner will be credited any amount paid in excess of the adjusted Stormwater Fee from the date that the Appeal Form was first filed with the Township. The credit will be applied to subsequent billing period(s). Adjusted fees will be applied retroactively from the date the inquiry was first filed and no further.

Periodic appeal reports will be submitted to the LATSA Board for their review.

APPENDICES

Appendix A

Stormwater Management Program Fee Credit Application



Stormwater Credit Application Form

Credit Application Instructions

1. This form is provided to Lower Allen Township property owners who believe they qualify for an approved stormwater Credit. Customers should review the LATSA Credit Policy and Appeals Process Manual for eligibility requirements.
2. Please attach two (2) copies supporting documentation including sketches & calculations to the form. Please mail completed form to:

Lower Allen Township
Stormwater Credit Application
2233 Gettysburg Road
Camp Hill, PA 17011

3. Staff will review the Stormwater Credit Application Form within sixty (60) days of receipt of a completed form.

Customer Information

Name: _____ Date: _____

Email: _____ Telephone: _____

Account Number: _____ Pin Number: _____

Property Address: _____

Billing Street Address: _____

Address Line 2: _____

City, State, Zip: _____

For LAT Use Only

Date Received: _____ Credit(s): ☐ Granted ☐ Denied

Date Reviewed: _____ Reviewer: _____

Structural BMP

Check all boxes that apply:

- ☐ I have a BMP that controls volume
- ☐ I have a BMP but I'm not sure what it does

Please attach any supporting information.

Confirmation of Credit Conditions and LAT Access Rights

I, (please print name)_____ agree to all conditions of the Credits I have applied for as outlined in the LATSA Credit Policy and Appeals Process Manual. I agree that LAT may at reasonable times enter my property in inspect the property or condition or operation of BMPs.

Property Owner Signature

Date

Appendix B

Stormwater Appeal Form



Stormwater Appeal Form

Appeal Instructions

1. This form is provided to Lower Allen Township property owners who believe the Impervious Area (IA) and/or Equivalent Residential Unit (ERU) calculation for their property is incorrect. Customers should also use this form if it is believed that stormwater fees have been assigned for a parcel that they don't own.
2. Please fill out all sections of the form, except for the section marked "For LAT Use Only".
3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed for to:

Lower Allen Township
Stormwater Appeal Form
2233 Gettysburg Road
Camp Hill, PA 17011

4. A Staff representative will review the Stormwater Appeal Form within sixty (60) days of receipt of a completed form.

Customer Information

Name: _____ Date: _____

Email: _____ Telephone: _____

Account Number: _____ PIN Number: _____

Property Address: _____

Billing Street Address: _____

Address Line 2: _____

City, State, Zip: _____

Additional Supporting Information: _____

For LAT Use Only

Date Received: _____

Appeal(s): ☐ Granted ☐ Denied

Date Reviewed: _____

Reviewer: _____