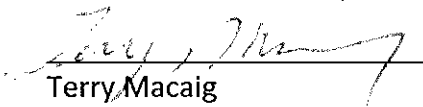
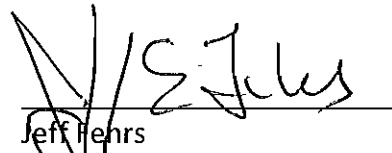


Stormwater User Fee Credit Manual

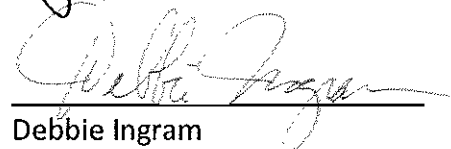
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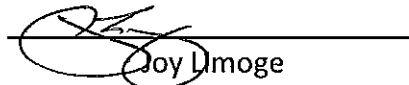
Williston Selectboard


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1. Introduction/Overview

The Town of Williston adopted the “Ordinance Regulating the Use of Public and Private Stormwater Systems” in April of 2014. The basic purpose of the ordinance is to establish a program that allows for the collection of user fees and exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the Town, whether or not owned and operated by the Town.

The user fee provides a stable and equitable source of revenue for the Town’s stormwater management program that allocates the costs of stormwater services across every stormwater user in the Town through the assessment of the user fee. Impervious surface area is the basis of the fee charged to property owners. The fee that a property owner pays is directly proportional to the impervious area located on their property.

The Stormwater Use Ordinance referenced above, offers credits against the stormwater fee for stormwater service customers who undertake specific, approved actions that reduce the impact of stormwater runoff on the public stormwater system, or provide an ongoing public benefit related to stormwater management. A stormwater credit is an ongoing reduction in a property’s calculated stormwater fee for:

- Ongoing activities that reduce the use of the public stormwater system;
- Ongoing activities that reduce the Towns’ cost of service.

2. Credit Policies and Instructions

2.1. General Policies

- Credit is available only to eligible properties as described in this manual’s credit policies and/or the credit applications.
- Multiple credits can be given to eligible properties. Credits shall not exceed 50% of the stormwater fee for that property.
- It is the responsibility of the stormwater customer to apply for credits and provide the necessary information with the credit application.
- Credit applications are available from the Department of Public Works. Questions about credits and credit applications should be directed to the Public Works Director or their designee. Staff is not responsible for initiating, performing engineering calculations, or otherwise assisting with the preparation of credit applications.

- Credit applications will only be reviewed if they are filled- out completely. The review will be performed within four (4) weeks after a completed application is submitted.
- If a credit application is approved at least two weeks before an applicant’s next scheduled bill, the credit will be applied to that upcoming bill. If a credit application is approved within two weeks before an applicant’s next scheduled bill, the credit will be applied to the next billing cycle. The credit will be applied to all three months assessed on the regularly scheduled utility bill. If the applicant is not approved, the credit applicant will be notified by certified mail.
- Credits may be awarded retroactively for one (1) year after the date of initiation of the stormwater user fee. Thereafter, credits shall be applied to user fees on the next billing period after the completed credit application is approved.
- The credit will remain effective as long as the property is eligible as per the credit polices defined below.

2.2. Stormwater Treatment Practice (STP) Credit

The Town of Williston’s stormwater program offers a credit to non-single family residential properties that design, construct and maintain Stormwater Treatment Practices as defined in the Vermont Stormwater Management Manual, as amended. This credit is offered to properties that properly utilize STP’s to reduce impacts on downstream water quality, channel erosion, and flooding. However, when constructed improperly or when left un-maintained, these facilities can become ineffective in such impact reduction, and can even aggravate problems caused by stormwater drainage, resulting in a revocation of the credit as provided for in Section 2.4.4.

2.3. Conditions and Policies for Credits

Conditions and policies relating to the applicability of the STP credit are listed below:

- 2.3.1. A STP credit is available to non-single family residential properties (NSFR) that design, construct and maintain Stormwater Treatment Practices that meet the treatment standards, sizing criteria, and/or non-structural criteria and restrictions that are in the Vermont Stormwater Management Manual, as amended.
- 2.3.2. A property can implement one or more of the standards. The total credit given to any property cannot exceed 50% of the stormwater fee.
- 2.3.3. Credits for Control of Stormwater from Off-site Properties: Property owners that construct and maintain STP’s that control stormwater from other private properties are eligible to receive STP credits for the control of stormwater from the off-site properties, up to a maximum of 50% of the total stormwater fees for those off-site properties. The credits for treating stormwater from off-site properties will be applied to the stormwater fee assessed for the property on which the STP is located. The maximum credit that a property can receive shall

never exceed 100% of the stormwater fee assessed for the property on which the STP is located. That is, the stormwater program will never under any circumstances provide a fee refund for unused STP credits for off-site properties. Additional credit will not be given for the control of stormwater runoff from off-site properties that are publicly owned.

2.3.4. Table 1 presents the available credit allocation for each treatment standard.

**Table 1. STP Credit Percentages
Treatment Standard or Criteria Credit Amount**

| Criteria | Credit Amount |
|--|----------------------|
| Water Quality (WQv) | 15% |
| Groundwater Recharge (Rev) | 15% |
| Channel Protection (CPv) | 15% |
| Overbank Flood (Qp10) or Extreme Storm (Qp100) | 10% |
| Non-structural practices | 10% |

2.3.5. STP credits will only be applied to that portion of property or properties served by a stormwater treatment practice.

2.3.6. Properties that qualify for state approved waivers of the Groundwater Recharge, the Overbank Flood or the Extreme Flood treatment standards are not eligible for the STP credit.

2.3.7. Overbank Flood (Qp10) and Extreme Storm (Qp100): A property cannot get an additional credit for providing both types of STP's. Properties that implement controls for both the Qp10 and Qp100 treatment standards will receive a maximum 10% credit for flood control STP's.

2.3.8. Non-Structural Practices: Vermont's Stormwater Management Manual (VSMM) has strong incentives to reduce impervious cover at a site through the specification of six non-structural practices. The VSMM provides "stormwater credits" for the use of non-structural practices so that when they are employed on a site the required treatment volumes for water quality (WQv) and recharge (Rev) are reduced. Williston's Stormwater program also recognizes the benefit that the Town's stormwater system may receive and will provide a credit against the stormwater fee for the use of non-structural practices on a property. In general, all policies regarding the STP credit apply to non-structural practices. Additional specific policies are listed below.

2.4. Non-Structural Practice Policies

2.4.1. Non-single family residential properties that implement one (or more) of the following non-structural STPs are eligible for a maximum 10% credit:

- Natural Area Conservation;
- Disconnect Rooftop Runoff and direct to a pervious area that provides for infiltration and/or filtering;
- Disconnect Non-Rooftop Runoff to impervious surface areas and direct to pervious areas that provide for infiltration and/or filtering ;
- Stream Buffers;
- Grass Channels

2.4.2. Credits for non-structural practices will only be applied to that portion of property or properties served by the non-structural practice where applicable.

2.4.3. Sufficient information must be supplied to the Director of Public Works or their designee to verify that STPs and non-structural practices, as designed and constructed, meet the treatment standards and criteria and/or restrictions as specified within the *Vermont Stormwater Management Manual*, as amended.

2.4.4. STPs and non-structural practices must be operated and maintained in proper condition at all times to control stormwater runoff to the treatment standards and criteria and/or restrictions, as specified within the Vermont Stormwater Management Manual, as amended. If the applicant does not operate and maintain the STPs and/or the non-structural practices as required, the credit will be discontinued. Thirty (30) days' notice of a non-complying condition and intent to revoke a stormwater stormwater credits shall be provided to the stormwater customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance. The Director of Public Works may extend this notice period if deemed appropriate.

2.5. Incorporated Homeowners Property Credit

2.5.1. A group of single family residential properties that are represented by an incorporated homeowner's association may receive a credit for eligible STPs and non-structural practices that are operated and maintained by the homeowner's association.

2.5.2. Credits issued to incorporated homeowner's associations for adequate STPs will be applied only to that portion of property or properties served by the STP. The credit can be applied to any common area within the neighborhood that receives a stormwater bill, or such credit can be proportionately allocated among all properties represented by the incorporated homeowner's association.

2.5.3. STPs owned by incorporated homeowner's association that are operated and maintained by the Town of Williston are not eligible for credits.

- 2.5.4. The Town of Williston will not maintain, repair, permit or do any work on any private stormwater system infrastructure except for residential stormwater systems that have been accepted by the Town.
- 2.5.5. In the event that a STP for a given property is not located on the property, the applicant must provide a copy of a record agreement between the applicant and the owner of the off-site STP stating that the applicant is responsible for maintaining all or a portion of the facility. In addition, the owner of the off-site parcel must provide a letter to the Department of Public Works indicating that they are in agreement with the information contained in the application for credit.

2.6. MS4 Credit

- 2.6.1. Williston offers a credit to municipal separate storm sewer systems (MS4s) that are required by the State of Vermont to comply with General Permit 3-9014, as amended (also called the MS4 Permit). The MS4 Permit requires permittees to develop, implement, and enforce a stormwater management program that is designed to reduce the discharge of pollutants from the MS4 and satisfy applicable water quality requirements of the Federal Clean Water Act. The MS4 credit is offered in recognition of the permit compliance activities performed by the MS4 that may reduce impacts on non-point source stormwater runoff and/or provide an on-going public benefit related to stormwater management.
- 2.6.2. The MS4 credit will be available to non-single family residential (NSFR) properties that are identified by the State of Vermont as an MS4 required to comply with General Permit 3-9014, as amended, and are in compliance with their MS4 permit requirements.
- 2.6.3. Eligible MS4 entities can receive a 10% reduction in the total stormwater fee assessed to their property. If the MS4 entity owns multiple properties located within the Town of Williston and therefore receives multiple bills, the 10% credit will be applied to every fee assessed to the MS4 entity. The total credit given to any property cannot exceed 50% of the stormwater fee for that property.
- 2.6.4. MS4 Credits are assessed during the year after applicable permit or regulation compliance has been achieved. For example, proof of compliance in Year 1 (e.g., the MS4 Permit Annual Report for Year 1) must be submitted and approved by the Public Works Director or their designee in order for the MS4 entity to receive a 10% credit in Year 2.
- 2.6.5. MS4 entities that are interested in obtaining the MS4 credit must submit a completed application form to the Director of Public Works.

2.6.6. MS4 credit applicants must provide the documents listed below at the time that the credit application is submitted, and annually thereafter:

- The MS4's most recent Notice of Intent (NOI) for coverage under General Permit 3-9014. The NOI must be valid for the current permit period at the time the credit application is submitted.
- A copy of the MS4's most recent Annual Report.

2.7. Stormwater Education Credit

The Stormwater Water Education Credit is available to elementary and middle (both public and private) schools located in Williston that educate and inform their students about the importance of local surface and groundwater resources and how they can be protected. The rationale behind this credit is that the information provided by the school will translate into appreciation and stewardship of local water resources and thereby reduce negative impacts (such as pollutant impacts) on local streams, ponds and lakes that can result from uninformed citizens. The Public Works Director will base their approval on the sufficiency of the educational program to meet requirements stated in the NPDES Phase II MS4 permit (Permit 3-9014), IV.H.1a.5.d, as follows:

- Develop elementary, middle school, or high school education curricula regarding local stormwater concerns based on new or existing material; conduct teacher training. In each subsequent year maintain program information and hold at least one refresher teacher training course.
- Approval of the credit application will result in a 10% credit to the assessed stormwater fee. The credit will be applied only to the school property(s) where the curriculum is taught. The total credit given to any property cannot exceed 50% of the stormwater fee for that property.
- Schools that are interested in obtaining the Education Credit must submit a completed application form to the Department of Public Works. The form will require a description of the educational program, list of educational tools used, estimated number of students that will/have receive the education, the length of the educational program and the schedule for providing refresher teacher training courses.

2.8. Agricultural Credit

The Agricultural Credit is available to all properties categorized as agricultural according to Town records. This credit is intended to recognize the efforts of the agricultural community and their implementation of the States Required Agricultural Practices (RAPs) which, ultimately, reduce the amount of polluted runoff discharging from agricultural operations and enhances the overall quality of receiving water bodies. The Public Works Director will

base their approval of this credit upon receipt of a completed Agricultural Credit Form proving compliance with RAPs.

- It is the responsibility of the stormwater customer to contact a State Agricultural Resource Management Specialists (ARMS) to schedule an inspection.
- Approval of the credit application will result in a 10% credit to the assessed stormwater fee. The credit will only apply to the properties inspected and deemed to be in compliance by an ARMS.
- Current Resource Information:
ARM Division General Number: (802) 828-2431
Water Quality Division Webpage:
<http://agriculture.vermont.gov/water-quality>

2.9. Credit Application and Approval Process

- Credit applications must include hydrologic calculations and associated verbiage demonstrating the stormwater treatment practice meets the technical criteria, design requirements and/or applicable restrictions set forth as specified within the *Vermont Stormwater Management Manual*, as amended.
- Credit applications for non-structural practices must include site plans or other engineering documents that demonstrate that the non-structural practice(s) complies with the “*Minimum Criteria for Credit*” set forth in the *Vermont Stormwater Management Manual*, as amended.
- All engineering calculations and drawings shall be prepared, sealed and stamped by a professional engineer registered in the State of Vermont.
- Credit applications for new construction may be submitted to the Director of Public Works at any time during the construction process. However, the credit will not be approved based on site plans alone. The credit application requires that the STP must be constructed, fully vegetated and working in proper operating condition. Credit applications for new developments can occur as part of the normal development plan review procedures. The completed credit application should accompany the final plat for the site.
- A Right-of-Entry or easement, as applicable, must be granted to the Town in order for the Town to review and approve the credit application, and to perform occasional inspections. Right-of-entry is granted via the applicant’s or property owner’s signature on the credit application.
- If all requirements and conditions of this section are met, the credit will be granted upon successful completion of the credit application process and favorable on-site inspection.