



Stormwater Management Fee Credit Manual

Introduction

Credits for qualifying stormwater Best Management Practices (BMPs) are a vital component of every stormwater fee structure. Act 62 of 2016 specifically states that “the Township shall consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the Township.” Granting credits for the installation and maintenance of BMPs gives all property owners the incentive to install and maintain such BMPs on their own or permit the Township to install BMPs on the property. These BMPs reduce pollutants and improve the health of local waterways. The construction of many new privately-owned BMPs will be necessary in order to meet the stringent requirements for Pollutant Reduction Plans. Therefore, it is in the Township’s best interest to incentivize the construction of privately-owned BMPs by granting credits in the stormwater management fee program.

Owners of existing BMPs are also eligible for credits if the BMPs continue to be maintained. Owners of existing BMPs are permitted to apply for credits under this policy in the same manner as landowners who are planning future BMPs.

Disclaimer

By submitting a Stormwater Management Fee Credit Application, the property owner acknowledges and agrees that he/she and his/her 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. North Lebanon Township shall not be responsible or liable for the operation and maintenance of any BMP, or any damages arising therefrom. The property owner and his/her heirs, grantees, successors, and assigns shall indemnify and hold harmless North Lebanon Township, 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(s). The property owner will be required to record an Operation and Maintenance agreement in accordance with Section 408 of the Lebanon County Stormwater Management Ordinance before credits are issued for any and all BMPs on the subject property. The Operation and Maintenance Agreement is available from the Township.

Definitions:

Best Management Practice (BMP): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of stormwater runoff from a developed parcel. For the purposes of this credit policy, BMPs eligible for credits are those structural BMPs listed in the Department of Environmental Protection’s “BMP Effectiveness Values” document (publication number 3800-PM-BCW0100m, dated 5/2016). Definitions for individual BMPs shall be as stated in the “BMP Description” column of the “BMP Effectiveness Values” document.



Credit: A stormwater management fee reduction that a property owner receives for implementing and complying with the practices and policies contained in this Manual.

Design Standards: Specifications, requirements, construction sequences, and other standards that must be met in order for an implemented BMP to receive credit. Design standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

Developed Parcel: A parcel altered from a natural state that contains impervious surfaces equal to or greater than 300 square feet.

Equivalent Residential Unit (ERU): The measure of impervious ground cover for a typical single-family detached residential property used in assessing the fees for each parcel of property, and which has been determined to be 3,755 square feet.

Impervious Surface: The definition of an impervious surface shall be that which is included in Article II of the Lebanon County Stormwater Management Ordinance: “a surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, streets, sidewalks and vehicle and pedestrian areas that are gravel and crushed stone.”

Non-Single Family Residential (non-SFR) parcel: Any developed parcel not fitting the definition of single-family residential parcel, or not having a land use code of 101, 107, or 108 per data from the Lebanon County Assessment Office. Non-SFR parcels include, but are not limited to, multi-family houses, townhouses, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in North Lebanon Township. Also referred to as “property owner” or “land owner.”

Single Family Residential (SFR) parcel: Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. A SFR parcel must have a land use code of 101, 107, or 108 per Lebanon County Assessment Office data.

Stormwater: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Stormwater Management Fee: A fee to be collected from each developed land parcel in North Lebanon Township and used to defray the cost of the Township's stormwater management program.

Application Procedure

Before applying for a credit, the account associated with the subject property must be current. The Stormwater Pollution Control Fee Credit Application Form included in this credit manual must be submitted along with all required information and attachments to North Lebanon Township in hard copy. The Township will review the application to determine if it is complete within thirty (30) days of receipt and will notify the applicant if the application has administrative deficiencies. Within sixty (60) days of determining that the application is administratively complete, Township staff or delegated agents will review the application to determine if the criteria for a credit are met, and will issue a recommendation for approval or denial to the Board of Supervisors. The Board of Supervisors will decide whether to approve or deny the credit at the next regularly scheduled meeting following the issuance of the recommendation. The decision to approve or deny the credit will be transmitted to the applicant in writing. If the credit application is approved, the property owner will receive the credit starting with the next billing cycle that begins a minimum of 30 days after approval from the Board of Supervisors.

In 2019, the Township may choose to grant one-time rebates for credit applications that were received in 2018 but could not be processed or approved before the 2018 bills were mailed. Should this occur, the property owner would receive both a credit on the 2019 fee and a rebate for the 2018 fee on their 2019 stormwater management fee bill.

Design Standards

All credited BMPs shall comply with the design standards presented for that BMP in the Pennsylvania Stormwater Best Management Practices Manual and in the Lebanon County Stormwater Management Ordinance. All credited BMPs must, at a minimum, be able to treat the post-development increase in the volume of stormwater directed to the BMP during the 2-year, 24-hour storm as calculated using the Soil Cover Complex Method and the specifications of section 311 of the Lebanon County Stormwater Management Ordinance.

Best Management Practice Classifications

Best Management Practices (BMPs) are divided into two classifications, or tiers, in order to assess the BMP's pollution reduction capabilities. Tier I BMPs are those which provide minimal pollutant reductions and thus minimal benefits to the health of local streams. Two BMPs fall into this category: dry detention basins and filter strips for stormwater treatment. While only two BMPs are in this category, the overwhelming majority of BMPs in the ground at the present time are dry detention basins that were constructed before 2003, when NPDES regulations for new development began to increase.

Tier II BMPs are those which provide greater pollutant reductions and thus greater benefits to local stream health. These BMPs are generally more complex than simple dry detention basins. With a few exceptions, the remainder of the BMPs listed in the “BMP Effectiveness Values” Document are Tier II BMPs. A full list of the BMP types eligible for Tier II credits is as follows:

- Wet Ponds and Wetlands
- Dry Extended Detention Basins
- Infiltration Practices with Sand and Vegetation
- Filtering Practices (Constructed Filters)
- Filter Strips for Runoff Reduction
- Bioretention/Rain Gardens
- Vegetated Open Channels
- Bioswales
- Pervious Pavement
- Stream Restorations
- Riparian Forest Buffers

Single-Family Residential Credit Policy

Properties designated as single-family residential (SFR) are eligible for credits for the implementation, operation, and maintenance of Tier I and Tier II BMPs.

- SFR properties may receive a 50% credit for the maintenance of an existing Tier I BMP that treats runoff from 75% of the property’s impervious area OR off-site impervious areas of more than 10,000 square feet.
- SFR properties may receive a 100% credit for the maintenance of an existing Tier II BMP that treats runoff from 75% of the property’s impervious area or off-site impervious areas of more than 10,000 square feet OR the implementation of a new Tier II BMP that treats 75% or more of the property’s impervious area.

The off-site considerations described above exist to cover BMP(s) located on one property that receive drainage from a larger development area. For example, if a landowner in a 10-lot residential development has a detention basin on his or her property that treats runoff from all 10 houses, the landowner with the detention basin would be eligible for a credit. The other nine homeowners in the development would not be eligible to receive a credit for the detention basin. The reasoning is simple: the owner of the lot on which the detention basin is located is the one responsible for the operation and maintenance of the BMP. The other nine landowners cannot execute an O&M agreement for the BMP and thus cannot ensure that the BMP functions correctly. The other nine landowners would be eligible to implement other low-cost BMPs on their properties in order to receive a credit.

In order to be eligible for a credit, BMPs located on a SFR property must meet all other criteria of this credit policy. The credit earned will be applied to the actual charge for the property, so SFR parcels which are granted a 50% credit will receive a 50% reduction of the fee charged and parcels

which are granted a 100% credit will not be charged under the stormwater management fee program.

Non-Single Family Residential Credit Policy

The credit policy for non-single family residential (non-SFR) parcels is more complex because of the large impervious areas typically constructed on these parcels. Instead of granting a blanket credit to the entire parcel for the implementation of a BMP, the credit given for a non-SFR parcel is based on the actual on-parcel impervious area treated by the BMP. The amount of credit earned (in terms of a percentage) is calculated using the following equation for non-SFR parcels:

$$(\text{Credit earned \%}) = (\text{Percent of parcel impervious area treated by BMP}) * (\text{BMP credit value})$$

The following notes apply to the above equation:

- BMP credit values for non-SFR parcels are 25% for Tier I BMPs and 50% for Tier II BMPs.
- Multiple BMPs may exist on the non-SFR parcel. In cases where multiple BMPs exist, a summation of the total credit earned may be computed by adding the individual credits earned by each BMP. The applicant must be careful to adjust the BMP credit value in cases where an impervious area is treated by more than one BMP, and must also be careful not to count the same impervious area in multiple individual BMP calculations.
- The maximum credit a non-SFR property can receive is 50%.

For example, a commercial establishment has a rain garden that receives drainage from 80% of the property's impervious area. The rain garden meets all the requirements of the PA Stormwater BMP manual, the Lebanon County Stormwater Management Ordinance, and DEP's "BMP Effectiveness Values" document. Thus, the rain garden is considered a Tier II BMP and is eligible for a 50% BMP credit value. The calculation for the credit earned would be as follows:

$$\text{Credit earned} = 80\% \text{ of impervious area treated} * 50\% \text{ BMP credit value} = 40\%$$

In order to be eligible for a credit, BMPs located on a non-SFR property must meet all other criteria of this credit policy. The credit earned will be applied to the actual charge for the property according to the following equation:

$$(\text{Charge with credit applied}) = (\text{Base charge}) * [1 - (\text{Credit earned \%})]$$

For example, if the non-SFR property mentioned above was charged \$200.00 annually and received a 40% credit, the charge with the credit applied would be $\$200.00 * [1 - 40\%] = \120.00 .

Special Note on Stream Restorations

Stream restorations are valuable BMPs that significantly reduce pollutants generated by the accelerated erosion of stream banks. However, there is the potential to do more harm than good when undertaking a stream bank restoration project, especially if the stream reach in question does

not actually require restoration. Additionally, restoring a small reach or restoring only one side of the stream is not as effective as restoring long reaches (several hundred feet) of both sides of the stream. Many property owners only own a small reach of one side of the stream and therefore are not in a position to complete a successful stream restoration on their own. For these reasons, property owners who wish to pursue streambank restorations are required to have a pre-application meeting with the Township to determine if the proposed streambank restoration project is eligible for a credit under this credit policy. The Board of Supervisors reserves the right to deny credits for any and all streambank restoration projects that were not granted prior approval by the Township.

Operation and Maintenance

All BMPs that receive credits in accordance with this credit policy must be operated and maintained in order to continue producing the expected pollutant reductions and to continue receiving credit under the policy. An Operation and Maintenance agreement consistent with that which is included in Appendix C of the Lebanon County Stormwater Management Ordinance is required to be recorded in the Lebanon County Recorder of Deeds office before credit is approved under this policy.

All BMP facilities in North Lebanon Township are subject to inspections at the schedule proscribed in section 502 of the Lebanon County Stormwater Management Ordinance. If it is found during an inspection that the BMP is not being operated and maintained in accordance with the recorded agreement, the credit granted under this policy shall immediately be voided and the Township will request that the Lebanon County Planning Department commence with enforcement actions per section 702 of the Lebanon County Stormwater Management Ordinance.

Agricultural Homestead Exclusion

A non-SFR property which is engaged in an agricultural use and has a single-family residence may be eligible for an agricultural homestead exclusion credit. This credit allows all impervious areas specifically associated with the single-family residence (the "homestead") to be removed from the calculation of ERUs for the property and collectively assigned one additional ERU. This area is also called "curtilage" or "farmstead area" for the purposes of the Pennsylvania Clean and Green Act. The homestead area includes the primary farm residence and associated improvements such as a garage, patio, deck, pool, or shed used solely for residential purposes. The Homestead Exclusion shall not apply to any building or impervious surface that is used for an agricultural or other non-residential activity, including but not limited to barns, workshops, feedlots, greenhouses, silos, driveways, or gravel storage areas.

Annual Credit Cap

North Lebanon Township has instituted an annual credit cap of \$65,000. Credits will be distributed on a first-come, first-served basis until the credit cap is reached. The Board of Supervisors may consider expanding the credit cap in future years if the demand for credits warrants an expansion. Credits do not expire unless the non-maintenance of a BMP warrants a voiding of the credit. There is no need for property owners to re-apply for a credit each year.