

## Chapter 3

### Stormwater User Fee Credit Manual

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#### **21-301. Overview**

The stormwater user fee provides a stable and adequate source of revenue for the stormwater management program that allocates the costs of stormwater services across every stormwater “user” in the City of Portland’s Incorporated City Limits through a stormwater user fee (or service charge). Developed land is charged a fee based on the amount of impervious surface area on the property. The stormwater user fee that a property owner pays is directly proportional to the impervious area found on the property. A credit is an ongoing downward adjustment in the service charge. The stormwater user fee credit manual provides for adjustments to the stormwater user fee for properties that reduce demand on the public storm system.

**Impervious Surface** means a surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

**Impervious surface area** means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces.

The purpose of the credit policy is to provide properties with credit for mitigating stormwater runoff impacts through education, or source controls, for water quantity or quality. The available credits are:

- Detention Credit      up to 50%
- Quality Credit        up to 25%
- Education Credit      up to 10%      (Places of Worship and Schools)
- NPDES Credit        up to 10%

**A property may qualify for more than one credit, but the maximum credit that a property can receive is 50%.**

To qualify for credits, the stormwater user must submit a credit application form (found in Appendix 1), and any applicable application fees, to the City of Portland Stormwater Department. The application will be evaluated to determine credit eligibility and the amount of credit the user shall receive if granted. The credit applications should be addressed to the following:

Stormwater User Fee Credit Application  
City of Portland Stormwater Department  
100 South Russell St.  
Portland, TN 37148

The Stormwater User Fee Credit Manual stipulates the design and performance standards of on-site systems, facilities, activities, and services that qualify for application of a stormwater user fee credit.

### **21-302. Definitions.**

For the purpose of this Title, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word “shall” is mandatory and not discretionary. The word “may” is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster’s Dictionary.

“Best Management Practices or BMPs” shall mean the physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Portland, and that have been incorporated by reference into the Stormwater Management Ordinance as if fully set out therein.

“Construction” shall mean the erection, building, acquisition, alteration, reconstruction, improvement or extension of stormwater facilities; preliminary planning to determine the economic and engineering feasibility of stormwater facilities; the engineering, legal, fiscal and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of stormwater facilities; and the inspection and supervision of the construction of stormwater facilities.

“Department” shall mean the City of Portland Stormwater Department.

“Detention Facility” shall mean a stormwater structure that, by means of a single control point, provides temporary storage of stormwater runoff for future release, and is used to delay and attenuate peak flow.

“Developed Property or Developed Land” means developed property which has been altered from its natural state by the creation or addition of buildings, structures, pavement or other impervious surfaces, or by the alteration of the property that results in a meaningful change in the hydrology of the property.

“Exempt Property” All public rights-of-way, public streets and public roads, public alleys, public sidewalks and public greenways, public drainage facilities, privately owned residential streets, property that does not discharge stormwater runoff to the stormwater or flood control facilities and railroad right-of-way properties within the City of Portland. For purposes of this definition, “public” shall mean that which is maintained by or is or is to be dedicated to the City of Portland and/or the State of Tennessee or the government of the United States.

“Green Infrastructure” shall mean stormwater management systems that mimic nature by promoting infiltration of stormwater runoff. These stormwater management systems may include downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bio swales, permeable pavements, green alleys and streets, green parking, green roofs, urban tree canopy, and land conservation as approved by the Department.

“Impervious Area or Impervious Surface Area” The number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made

between exterior limits of the structure, foundations, columns or other means of support or enclosure.

“Impervious Surface” A surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.

“National Pollutant Discharge Elimination System or NPDES” shall mean the Federal Environmental Protection Agency's (USEPA) national program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under sections 307, 318, 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328, 1342, and 1345.

“Other Developed Property” means all Developed Property located within the municipal limits of the city other than (i) Residential Property; (ii) Exempt Property; (iii) Vacant Property and (iv) Park Lands/Cemetery. Other Developed Property shall include commercial properties, industrial properties, apartments, parking lots, hospitals, schools, recreational and cultural facilities, industrial properties, hotels, offices, churches, federal, state and local government properties and multi-use properties. Such property shall also include single family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any single-family residential structure which contains more than two attached dwelling units is specifically included in this definition.

“Person” Any and all persons, natural or artificial, including any individual, firm or association, and any municipal or private corporation organized or existing under the laws of this or any other state or country.

“Property Owner or Owner” The property owner of record as listed in the City’s and/or county’s tax assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.

“Qualified Control Structure” shall mean a device or structure meeting design standards and approved by the Department that substantially limits the discharge of stormwater from a parcel of property into or through any Public System or that substantially improves the purity of stormwater so discharged.

“Residential Property” shall mean a developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single-family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a condominium, a duplex, a triplex, a quadruplex, a villa, or a garden home is included in this definition. A single-family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.

“Stormwater or Storm Water” Stormwater runoff, snow melt runoff, surface runoff, infiltration, and drainage.

“Stormwater Management” means the planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation, and sediment control.

“Stormwater System or System” means all stormwater facilities, stormwater drainage systems and flood protection systems of the city and all improvements thereto which operate to, among other things, control discharges and flows necessitated by rainfall events; and incorporate methods to collect, convey, store, absorb, inhibit, treat, prevent or reduce flooding, over drainage,

environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

“Stormwater User or User” The owner or customer of record of property subject to the storm water user fee imposed by the Stormwater Utility Ordinance.

Stormwater User Fee or Fee The utility service fee established under this ordinance and levied on owners or users of parcels or pieces of developed property to fund the costs of storm water management and of operating, maintaining, and improving the storm water system in the City of Portland. The storm water user fee is in addition to other fees that the City of Portland has the right to charge under any other rule or regulation of the City of Portland.

“Stormwater Utility” A management structure that is responsible solely and specifically for the stormwater management program and system.

“Stormwater Utility Ordinance” shall mean Title 21, chapter 2 of the City of Portland Municipal Code.

“Surface Water” Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, ponds, wetlands, marshes and sinkholes.

“Ten Percent Rule” shall mean analyzing the development’s downstream impact to stormwater runoff to the point where the site makes up ten percent or less of the total drainage area to the point in question. This analysis consists of developing a simplified hydrologic model of the development site and contributing areas to insure there is no increase in flow values at each significant junction point down to the point where the site is ten percent or less of the total land area.

“Undeveloped Property or Undeveloped Land” shall mean property that is in its natural state and has not been developed; does not have impervious surfaces on it.

“User Fee Credit” shall mean a downward adjustment in the amount of the stormwater user fee given to properties for maintaining qualified control structures or implementing an approved education program as discussed herein.

“Vacant / Undeveloped Property” Property on which there is no structure for which a certificate of occupancy has been issued.

### **21-303. User Fee Credits.**

The purpose of user fee credits is to provide an ongoing reduction in fees to customers that place an ongoing reduction in demand on the stormwater system than would be reflected in the calculation of their stormwater user fee or for specific customer types, who through private efforts, provide a direct reduction in the cost of stormwater programs funded by the stormwater user fee.

General provisions for stormwater user fee credits are listed below. See the following pages for details for individual credits.

- Credits are available to all developed properties within the incorporated city limits of Portland.
- It is the responsibility of the property owner (or his/her designee) to apply for stormwater user fee credits, and to provide the necessary substantiating information with a credit application, as described herein.
- The Credit Application and supporting documents are included in the appendices to the Credit Manual. The Department shall not be responsible for initiating applications, performing engineering calculations, or otherwise assisting with the preparation of credit applications.

- Credits can be combined for a maximum credit of 50%.
- Credits are granted only upon approval of a credit application. A non-refundable review fee of \$100 shall accompany credit applications.
- The Department shall review credit applications within four (4) weeks after a complete application is submitted. If a credit is granted, the credit shall be applied one (1) billing cycle after the approval date.
- The Department maintains the right to inspect properties to ascertain credit applicability at the time of credit application and at any time during which the site is receiving credit.
- Credits shall be valid for a period of 5 years. It is the user's responsibility to reapply for credits no later than 60 days prior to expiration to assure continuity of the credits applied to the user fee.
- Credits can be revoked or reduced at any time that it is determined by the Department that controls, measures, or activities are not performing to the requisite design standard, that controls are not being maintained to function as designed, or that the controls, measures, or activities no longer meet the purpose of the credit.
- If a Stormwater Utility credit is granted, the credit shall be applied one (1) billing cycle after the approval date. Retroactive Credits will not be granted.

### **Stormwater Detention Credit (up to 50%)**

Qualified properties with structural controls or measures such as detention facilities for reducing peak demand and controlling the rate at which the runoff volume enters the stormwater system may be eligible for a Stormwater Detention Credit up to 50%.

Properties may be eligible for a full credit of up to 50% where a stormwater detention facility is utilized to reduce post-developed discharges to pre-developed levels for the 2-year through 100-year flood events along with performing a downstream analysis for the "Ten Percent Rule". The Ten Percent Rule analyzes the development's downstream impact to stormwater runoff to the point where the site makes up ten percent or less of the total drainage area to the point in question. This analysis consists of developing a simplified hydrologic model of the development site and contributing areas to insure there is no increase in flow values at each significant junction point down to the point where the site is ten percent or less of the total land area. Properties may be eligible for a partial credit of 40% where a stormwater detention facility is utilized to reduce post-developed discharges to pre-developed levels for the 2-year through 100-year flood events.

Properties may be eligible for a partial credit of 25% where a stormwater detention facility is used to reduce post-developed discharges to pre-developed levels for the 2-year through 25-year flood events. This level of detention may be achieved, for example, by rehabilitating a temporary sediment control pond to serve as a permanent stormwater detention facility.

#### **Conditions of Credit:**

1. The property owner must submit a site plan, design calculations, as-built drawings, and/or other data signed and sealed by a professional engineer that are sufficient for the Department to render an opinion regarding the applicability of credit. Original design plans currently verified "as built" by a professional engineer will suffice.
2. The property owner must submit a maintenance plan, maintenance agreement, and annual documentation of maintenance on all structural controls and non-structural activities that serve as the basis for the credit according to the assessment by the Department.

3. The annual documentation of maintenance on all structural controls and non-structural activities that serve as the basis for the credit may be submitted by a State of Tennessee licensed Professional Engineer, licensed Landscape Architect, or TDEC EPSC Level 1 or 2 certified inspector.

### **Stormwater Quality Credit (up to 25%)**

Qualified properties with structural controls or measures that reduce stormwater runoff pollution to the Municipal Separate Storm Sewer System (MS4) may be eligible for a Stormwater Quality Credit up to 25%. These controls should provide runoff pollution characteristics similar to undeveloped land.

Properties may be eligible for the full 25% credit if they contain water quality Best Management Practices (BMP) that meet performance criteria for the capture and infiltration of the first one inch of runoff through the use of Green Infrastructure.

Properties may be eligible for a partial credit of 10% if they contain water quality Best Management Practices (BMP) that meet minimum performance criteria for removal of 80% total suspended solids (TSS) and remain in compliance with City of Portland's State of Tennessee NPDES Phase II Municipal Separate Storm Sewer Systems (MS4) General Permit for Discharges.

Industrial properties may be eligible for a partial credit of 10% if they maintain a separate approved State of Tennessee NPDES permit for stormwater management.

### **Conditions of Credit:**

1. The property owner must submit a site plan, design calculations, as-built drawings, and/or other data signed and sealed by a valid State of Tennessee professionally licensed engineer that are sufficient for the Department to render an opinion regarding the applicability of credit. Original design plans currently verified "as built" by a professional engineer will suffice.

2. The property owner must submit a maintenance plan, maintenance agreement, and annual documentation of maintenance on all structural controls and non-structural activities that serve as the basis for the credit according to the assessment by the Department. Reports are due annually by June 30.

3. The annual documentation of maintenance on all structural controls and non-structural activities that serve as the basis for the credit may be submitted by a State of Tennessee licensed Professional Engineer, licensed Landscape Architect, or TDEC EPSC Level 1 or 2 certified inspector.

### **Stormwater Education Credit (up to 10%)**

A credit of up to 10 percent will be available to public or private educational institutions and Places of Worship that provide a regular and continuing program of education approved by the Department and concentrating on stewardship of water resources and minimization of demand on the public stormwater system. Qualified educational institutions and Places of Worship have the ability to provide significant stormwater education that will not only assist the City of Portland in meeting NPDES permit requirements but will also instill an appreciation and stewardship of

water resources that will benefit and/or decrease the demand on the stormwater system, or program, in the long term.

The credit eligibility will be determined by the Department based on the content of the education materials, the ability for the education to meet the NPDES permit requirements, the number of students / members / parishioners receiving education, increasing the water quality, and the potential for reducing the water quantity and demand on the public stormwater system.

Brochure templates and suggested education material can be obtained from the City.

**Conditions of Credit:**

1. Institution/Place of Worship must submit a description of the educational program, curriculum or program materials, and estimated number of students / members / parishioners that will receive the education for review by the Department for credit approval.
2. Institution/Place of Worship must provide educational take-home materials to all students / members / parishioners at least once annually.
3. Institution/Place of Worship must submit an annual report documenting the number of students/members/parishioners that received the education in that year.
4. The credit will be applied only to the property(s) where the curriculum is taught (e.g., if the curriculum is taught only at an Elementary School, the credit will be applied only to that property, not the entire school system).

To receive the credit, the curriculum must be scheduled with the intention that all students/parishioners will receive the curriculum at least once during a calendar year. For example, a typical tenure for high school would be four (4) years, so it would be expected that approximately 25% of students in the school would be taught the curriculum each year and that a student that attended the school for four years would receive the education at least once.

## **Appendices**

Appendix A: Impervious Surface Credit Application

Appendix B: Right-of-Entry Form

Appendix C: Detention/ Water Quality Application

Appendix D: Education Credit Application

Appendix E: NPDES Credit Application



## Appendix A

### Impervious Surface Credit Application Form

**For review of this application, you must:**

- Fill out this application completely.
- Provide a set of plans of your property showing the total impervious surface area as **conducted by a licensed land surveyor.**

**Instructions:**

The applicant must provide site plans from a licensed land surveyor, outlining the impervious surfaces that exist on your property, and provide those measurements, with this application, to the City of Portland Engineering Department. A site plan of your property, with the appropriate measurements clearly indicated, must be provided to be considered for an Impervious Surface Credit. **The licensed land surveyor is required to sign and seal the plans.**

Impervious surfaces are those surfaces that prevent the infiltration of rainfall into the soil. Common impervious surfaces may include, but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage buildings/pads, compacted gravel or soil surfaces, awnings (and other fabric or plastic coverings) and any other surface that prevents or impedes the natural infiltration of stormwater runoff.

**Property Owner Information**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

**Applicant Information (if different from owner)**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

**Property Information (if different from above)**

Address: \_\_\_\_\_

Parcel Identification Number (if known): \_\_\_\_\_

Utility Account Number: \_\_\_\_\_

I hereby request the City of Portland to review this application for an Impervious Surface Credit to my stormwater utility fee. I certify that I have the authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information to the City of Portland Engineering Department should there be any change in the information provided herein. I further authorize the City of Portland to access the property identified in this application for the purpose of assessment for a stormwater fee credit.

Signature: \_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_

*Do not write in shaded areas – for City use only.*

Calculated Impervious Area: \_\_\_\_\_ sf Credit Approved? \_\_\_\_ Yes \_\_\_\_ No

Signature: \_\_\_\_\_ Name: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix B Right-of-Entry Form

Owner or Owner's Representative (Contact):	Property Parcel Number:
Property Address:	
Contact Phone Number:	Contact Email:
Mailing Address (if different than property address):	
<p>This agreement gives authorization by the property owner, _____ (Owner) to City of Portland Stormwater Department to enter onto the property at the above listed location, for the purposes of inspection. Inspections may be conducted of any stormwater facility for which a user fee credit was applied. Inspections may be performed by the Department employees or their designee, including consulting engineers, contractors or other representatives.</p> <p>IN WITNESS WHEREOF, the parties have caused their respective names to be signed hereto on the day of _____ 20____.</p>	
Owner's Signature	Date
Department Representative's Signature	Date

## Appendix C

### Detention, Quality, or Education Credit Application Form

Owner or Owner's Representative (Contact):	Property Parcel Number:
Property Address:	
Contact Phone Number:	Contact Email:
Mailing Address (if different than property address):	
<b>Credits for Consideration</b> (check all that apply):	
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> <b>Detention Credit (up to 50%)</b> – Attached:           <ul style="list-style-type: none"> <li><input type="checkbox"/> Supporting Drawings and Calculations</li> <li><input type="checkbox"/> Executed Maintenance Agreement</li> <li><input type="checkbox"/> Maintenance Plan</li> <li><input type="checkbox"/> Executed Right of Entry Form</li> </ul> </div> <div> <input type="checkbox"/> 25%    <input type="checkbox"/> 40%    <input type="checkbox"/> 50%           </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> <b>Quality Credit (up to 25%)</b> – Attached:           <ul style="list-style-type: none"> <li><input type="checkbox"/> Supporting Drawings and Calculations</li> <li><input type="checkbox"/> Executed Maintenance Agreement</li> <li><input type="checkbox"/> Maintenance Plan</li> <li><input type="checkbox"/> Executed Right of Entry Form</li> </ul> </div> <div> <input type="checkbox"/> 10%    <input type="checkbox"/> 25%           </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> <b>Education Credit (up to 10%)</b> – Attached:           <ul style="list-style-type: none"> <li><input type="checkbox"/> Description of Education Program (list of education tools used, est. number of students that will complete education)</li> <li><input type="checkbox"/> Stormwater Education Credit Form</li> <li><input type="checkbox"/> Executed Right of Entry Form</li> </ul> </div> <div> <input type="checkbox"/> 10%           </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> <b>NPDES Permit Credit (up to 10%)</b> – Attached:           <ul style="list-style-type: none"> <li><input type="checkbox"/> Copy of Active State of Tennessee NPDES Permit</li> <li><input type="checkbox"/> Supporting Documents and Inspection Reports</li> </ul> </div> <div> <input type="checkbox"/> 10%           </div> </div>	
This application is to request credit or adjustment to the assigned stormwater user fee for the property at the above location.	
Owner's Signature	Date

## Appendix D Education Credit Form

Owner or Owner's Representative (Contact):	Property Parcel Number:			
Property Address:				
Contact Phone Number:	Contact Email:			
Mailing Address (if different than property address):				
<p>Applicant must provide adequate documentation to demonstrate to City of Portland Stormwater Department that sufficient focus and instruction upon stormwater management issues and water quality protection are covered in the time frame suggested. Summarize all appropriate documentation in the table below and attach documentation to the application.</p>				
Method and Tools for Stormwater Education	Grade Level(s)	Number of Students Annually	Percent of Total Students	Contact Hours

## Appendix E NPDES Credit Form

Owner or Owner's Representative (Contact):	Property Parcel Number:			
Property Address:				
Contact Phone Number:	Contact Email:			
Mailing Address (if different than property address):				
<p>Applicant must provide adequate documentation to demonstrate to the City of Portland Stormwater Department that an Active NPDES permit is on file with the State of Tennessee. Summarize all appropriate documentation in the table below and attach documentation to the application.</p>				
NPDES Permit Number	Effective Date	Expiration Date	Date of Last Inspection	Facility Manager