

Warminster Township Municipal Authority

Resolution No. 22-6

WHEREAS, on December 13, 2021, the Warminster Township Municipal Authority adopted and approved the Rates, Rules, and Regulations for the Authority's Stormwater Management Program;

WHEREAS, on December 13, 2021, the Authority adopted and approved a Stormwater Management Fee Rate Schedule;

WHEREAS, the Authority desires to establish, adopt, and implement a Stormwater Credit Program that would allow owners of property in Warminster Township to apply for credits for implementing and maintaining Stormwater Best Management Practices on their parcels to reduce the rate and volume of stormwater entering the storm sewer system or to provide on-site stormwater quality benefits;

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby approves the following addition to the Rates, Rules, and Regulations for the Authority's Stormwater Management Program:

Section 3.5 The Authority has established a credit program applicable to stormwater management fees in order to allow owners to apply for credits for implementing and maintaining Stormwater Best Management Practices on their parcels to reduce the rate and volume of stormwater entering the storm sewer system or to provide on-site stormwater quality benefits. The Stormwater Program and User Fee Credit Manual is attached hereto as Appendix C. The stormwater management fee credits may be amended from time-to-time by appropriate Resolution of the Authority and, to the extent practicable, Appendix C hereto will be updated to reflect any such revisions.

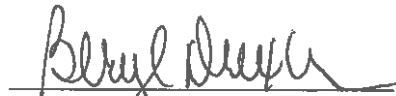
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Authority establishes, incorporates, and adopts the Stormwater Program and User Fee Credit Manual attached hereto as Appendix A, which may be amended further through Resolution.

APPROVED THIS 18TH DAY OF JULY, A.D., 2022.



Frank Feinberg, Chairman

Attest:



Beryl Drexler, Treasurer

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**WARMINSTER MUNICIPAL
AUTHORITY**

Water • Sewer • Stormwater

**WARMINSTER MUNICIPAL
AUTHORITY
BUCKS COUNTY, PENNSYLVANIA
STORMWATER PROGRAM AND USER FEE
CREDIT MANUAL**

1. Introduction

1.1. Overview

The Warminster Municipal Authority (the "Authority") has established a Stormwater Management Program and Stormwater Management Fee to create a dedicated funding source for the operation and maintenance of the Authority's extensive stormwater infrastructure. All parcels in Warminster Township are required to pay the fee. All developed parcels are based on the impervious coverage of the parcel.

A credit program has been developed per Article III, Section 3.5 – "Credits Applicable to Stormwater Charges" of the Authority's Rates, Rules, and Regulations for the Stormwater Management Program to allow owners to apply for credits for implementing and maintaining stormwater best management practices (BMPs) on their parcel(s) to reduce the rate and volume of stormwater entering the storm sewer system or to provide on-site stormwater quality benefits. By implementing such measures, parcel owners are helping to reduce the demand on the existing system or related Authority services. This manual has been prepared to detail the policies and application procedures for available credits.

The primary goals of the Authority's credit program are to:

- Enhance fee equity by recognizing ongoing stormwater management activities on private property;
- Maintain a high level of functionality of the existing stormwater infrastructure and maximize the system's current capacity;
- Limit the need for expansion of the Authority's stormwater related infrastructure and defray the associated future capital costs; and
- Encourage private investment in installing and maintaining private stormwater management systems.

The Credit policy, which encourages and incentivizes the ongoing operation and maintenance of BMPs on private property, will focus on those activities helping to minimize peak flows and runoff volumes as well as on-going management of those facilities to help protect local water quality by managing stormwater pollution.

1.2. Stormwater Credits

Owners that install BMPs to reduce the stormwater flow or pollutant loading from their parcels can qualify to receive a reduction in their stormwater management fee. BMPs are measures or facilities preventing or reducing the transport of pollutants and/or control stormwater runoff volume or rate. Implementing such measures reduces the impact a site has on the downstream storm drainage system (both natural and man-made).

2. Definitions

Best Management Practices (“BMPs”): The methods, procedures, and analyses specified in the Pennsylvania Stormwater Best Management Practices Manual (Version 363-0300-002) to reduce flooding potential and control the volume, flow rate, and water quality of stormwater.

Credit: The Authority’s Stormwater Credit Program entails three types of credits:

Peak Flow Attenuation: For Stormwater BMPs which manage peak flow in accordance with the Warminster Township Stormwater Ordinance.

Volume Control: For Stormwater BMPs which manage the volume of runoff in accordance with the Warminster Township Stormwater Ordinance.

Water Quality: For Stormwater BMPs which manage water quality in accordance with the Warminster Township Stormwater Ordinance.

Constructed Wetland: A shallow marsh system planted with emergent vegetation designed to treat stormwater runoff.

Detention Basin: An earthen structure constructed either by impoundment of a natural depression or excavation of existing soil, that provides temporary storage of runoff and functions to reduce stormwater peak flows.

Equivalent Residential Unit (“ERU”): The basic unit for the computation of the Stormwater Management Fee. An ERU is based on the statistically estimated impervious area found on the average single-family residential parcel and has been established in the duly adopted Rate Schedule attached as Appendix A to the Authority’s Rates, Rules and Regulations for the Stormwater management Program, subject to such modifications as the Authority may deem necessary from time-to-time, in its discretion. The ERU is used to assess the Stormwater Management Fee for each parcel of property within the Township.

Green Roof: A roof cover with stormwater storage, growth media, and plant material designed to provide water quantity benefits by filtering stormwater and rainfall retention and detention through storage and plant uptake.

Impervious Area: Surfaces which do not absorb water and prevent the infiltration of water into the ground. An Impervious Area (“IA”) includes any area which has been or is proposed to be modified from grass, dirt, vegetation, wooded, or groundcover, including, but not limited to, the area of all buildings, sheds, garages, patios, private streets, parking areas, driveways, private roads, private sidewalks, areas around swimming pools (pool water surface shall not be an IA), basketball/tennis courts, paved areas, and any areas containing concrete, asphalt, porous pavers, packed stone, or other similar materials. Parking, storage, and travel areas consisting of gravel or crushed stone shall be assumed to be impervious areas. Impervious Areas also include other areas determined to be impervious by the Authority Stormwater Engineer.

Infiltration Basin: A shallow impoundment that stores and infiltrates runoff over a level, uncompacted, preferably undisturbed area with relatively permeable soils.

Infiltration Trench: A linear stormwater BMP consisting of a continuously perforated pipe at a minimum slope in a stone-filled trench.

Non-Residential/Commercial – All property zoned or used for commercial, industrial, retail, governmental, condominium, mobile home parks, apartments or properties containing more than four (4) dwelling units. Any residential units consisting of five (5) or more units shall be considered commercial property.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in the Authority.

Raingarden (or bio-retention facility): An excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff.

Residential –Residential properties are those with structures containing one and no more than four dwelling units, excluding condominiums and properties with dormitories, nursing homes, hotels, or motels. Mixed-use properties, such as properties with both residential and commercial use, are also excluded from the residential property type.

Stormwater: Stormwater is water from a precipitation 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 areas washing into gutters, through storm drains, and eventually flowing into the creeks and rivers.

Stormwater Management Fee (“SMF”): Sums assessed, imposed and to be collected from each parcel, building or portion thereof which uses, benefits from or is serviced by the Stormwater Management System or which discharges stormwater, directly or indirectly, into the public Stormwater Management System, for the use of and the service rendered and improvement of such system and additionally for the administration of the Stormwater Management Program.

3. General Credit Policies

3.1. Eligibility

To be eligible to receive credits, applicants must be current with their Stormwater Management Fees (“SMF”). All properties will be eligible for credit provided that a stormwater BMP has been installed and that the owner can demonstrate the facility is functioning as intended. To ensure consistency and to ensure reductions in peak rate, volume and water quality pollution are measurable, the policy will only include those facilities demonstrating compliance with the Warminster Township Stormwater Management Ordinance and/or the Pennsylvania State Best Management Practices Manual. To provide a legal framework for enforcement, a signed or documented maintenance agreement with the Authority and/or Township will be required.

An application demonstrating that the BMP has been installed and that the facility is functioning as intended must be completed and submitted to the Authority.

3.2. Summary of Available Credits

Table 1. Summary of Available Credits by Property Type.

CREDIT	R	NR/C	MAXIMUM CREDIT
Structural BMP	X	X	30%
Low Impact Parcel	X	X	15%
Public Participation	X	X	15%
Rain Barrels and Downspout Disconnection	X	X	15%
Riparian Buffer/Wet Land	X	X	15%
BMP Easement	X	X	15%
Urban Tree Canopy Expansion	X	X	15%
Green Roofs	X	X	15%
Innovation Credit	X	X	15%
NPDES Industrial Stormwater Permit Compliance		X	30%
Separate MS4 Permit		X	30%
Education Credit	X		15%

NR/C: Non-Residential/Commercial

R: Residential

3.3. Credit Types

A. Structural BMP

Structural BMPs that control for the rate, volume, or water quality of stormwater generated on the property are eligible for Credit. A maximum 10% Credit each will be given to rate and volume BMPs, and a maximum 10% Credit will be given to water quality BMPs. The Credits can be cumulative to a maximum of 40% Credit if all three components are controlled for a 100-year or greater storm. For example, a site that has BMPs in place to control rate, volume, and water quality would receive 10% (rate) + 10% (volume) + 10% (water quality) = 30% total Credit. Existing BMPs can be retrofitted to provide new function and would be eligible for Credits for the existing and new functions. The Credits only apply to the IA controlled by the BMPs.

For Stormwater BMPs which manage peak flow in accordance with the Township's Stormwater Management Ordinance, the maximum credit will be 40%. Credit will be granted in relation to the design storm managed by the BMP on the following basis:

- Up to 10% for management of the 10-year event
- Up to 20% for management of the 25-year event
- Up to 30% for management of the 50-year event
- Up to 40% for management of the 100-year or greater event

The Owner will be responsible for providing design documentation to support that the BMP meets the

applicable performance standards. In addition, an operation and maintenance plan is required and must be documented with the Authority. Final awarded credit value is subject to the Authority's review and approval.

B. Low Impact Parcel

A parcel is considered a Low Impact parcel if Total IA is less than or equal to 10% of the total parcel area; it may be eligible for a Credit up to 15%.

C. Public Participation

The Authority believes a strong SMP is predicated on public participation and involvement to help address water quality issues. The Authority's stormwater customers who participate in certain community events to promote water quality and sound stormwater management principles will be eligible for Credit. The following are examples of activities eligible for a Credit:

- Participating in a stream or roadside clean-up.
- Participating in an Authority or other approved tree planting activity.
- Hosting a student-sponsored educational event at a public venue.
- Participating in any other proposed public participation activity pre-approved by the Authority.

Earned Credits cannot exceed 15% of the SMP Fee for a property. A minimum of four (4) hours are required to qualify for the Credit. Participating Credits can only be applied to one (1) parcel if a customer owns more than one (1) parcel. However, a customer with multiple parcels can earn additional Participation Credits to apply to different parcels as long as a minimum of four (4) hours are earned for each parcel. Public participation Credits are valid for one (1) year and will be applied to a customer's stormwater bill beginning with the July or January bill following participation in the event. To be eligible for a public participation credit, the Authority must first approve the proposed public participation event.

D. Rain Barrels and Downspout Disconnection

The Authority will grant customers up to a 15% Credit for residential properties if downspouts on the property are properly connected to a rain barrel, cistern, or other approved containment device. In lieu of counting the number of downspouts, the percentage of roof area captured can also be used to determine Credit amount.

The Authority will grant residential customers up to a 15% Credit if downspouts are disconnected from directly discharging into a stream, channel, stormwater inlet, stormwater conveyance pipe, driveway, or other surface conveyance feature, including all IA. The amount of the Credit will be determined by the percent of downspouts disconnected or by the percent of the roof area discharged to disconnected downspouts. Disconnected downspouts should have a minimum of ten (10) feet of pervious land separation from the nearest down gradient impervious surface to qualify for Credit.

For Non-Residential/Commercial properties, the Authority will review the use of containment devices and downspout disconnections on an individual basis. For general guidance, Non-Residential/Commercial properties that are similar to Residential in the amount of IA can expect to receive Credits similar to Residential properties.

E. NPDES Industrial Stormwater Permit Compliance (NPDES)

By complying with NPDES Industrial Stormwater Permit requirements for industrial facilities, participating Owners are assisting the Authority by addressing stormwater issues onsite. Any property covered under a NPDES Industrial Stormwater Permit, and in compliance with all applicable requirements during the preceding twelve (12) months, is eligible for a 30% Credit for those portions of the property covered under the NPDES Industrial Stormwater Permit. To be eligible for the Credit, the Authority must be provided with a copy of the active NPDES Industrial Stormwater Permit and a copy of the Discharge Monitoring Report from the current year when the Credit Application is submitted.

F. Separate MS4 Permit (MS4)

A 30% Credit is available for those properties that have been identified by PADEP as being required to obtain and comply with the terms of an MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and the Authority must be provided a copy of the MS4 permit as well as copies of the annual reports.

G. Education Credit

It is the goal of the Authority to strongly encourage customers to educate and inform themselves on the importance of surface water, ground water, and stormwater resources, and how they can play a role in preserving and restoring the physical, chemical, and biological integrity of the Township's water resources.

The education program may include participation in a water resource-themed session or online class. The educational program/materials must be preapproved by the Authority. A 15% credit will be granted upon proof that the customer completed the program. Such proof may be a valid completion certificate or similar document. Credits are valid for one (1) year and will be applied to a customer's stormwater bill beginning with the July or January bill following participation in the program.

H. Riparian Buffer/Wetlands

The Authority will grant up to a 15% Credit for those Owners who create and/or maintain a riparian buffer alongside a stream on their property. The riparian buffer can be existing or a newly-planted buffer of native plants. To be eligible for a Credit, a minimum of twenty-five (25) contiguous linear feet of stream must be buffered from top of bank a minimum of 25 feet (measured horizontally). If property conditions are limiting (proximity to property line, roads, structures, etc.) projects with less than 25 feet horizontal width may be considered for Credit.

Please note projects requiring PADEP permits may have more stringent requirements. The amount of Credit will be dependent on site-specific conditions including, but not limited to, contributing IA and buffer width and length. Interested Owners should contact the Authority prior to project initiation.

I. BMP Easement

The Authority will grant up to a 15% Credit to Owners who grant an easement for the Authority to construct and maintain a stormwater BMP on their property. This Credit is intended for projects that would be financially prohibitive for a property owner to complete on their own, but is an important project for meeting the goals of the Authority.

J. Urban Tree Canopy Expansion

The Authority will grant up to a 15% Credit for those Owners who complete an urban tree planting project on their property. New trees are not required to cover existing impervious surfaces. To be eligible, the planted tree must have a minimum diameter at breast height (DBH) of one (1)-inch. A minimum of four (4) trees are needed to qualify for the Credit. Credits are valid for one (1) year and will be applied to a customer's stormwater bill beginning with the July or January bill following participation in the event.

K. Green Roofs

A property is eligible for a Green Roof Credit when a green roof is installed on a building. The design, construction, and maintenance plan must meet as a minimum, the requirements noted for such facilities in the Pennsylvania Stormwater Best Management Practices Manual or approved recognized engineered equivalent. Green roofs may be eligible for a Credit up to 15% and/or may result in a reduction in total IA dependent on design and function.

L. Innovation Credit

The Authority recognizes that the ultimate goal of the SMP and Credit Policy is to improve our stormwater management system and local and regional water quality. Therefore, the Authority encourages customers to propose other means to improve their property and our community through the use of innovative stormwater technologies. If an Authority stormwater customer has an idea for a project that could be worth stormwater credits, the Authority encourages the customer to submit the project idea under the Innovation Credit, prior to initiating the project. The maximum Credit is 15% and will be dependent on the specifics of the idea and/or technology.

3.4. Calculation of Credits

Credit will only be applied to the impervious area on-site which drains to an eligible BMP facility. That is, credit will only be applied to the portion of the fee for which the associated impervious area is managed by an approved stormwater BMP.

3.5. Maximum Credit

Credits may be applied cumulatively based upon credit type and will only be applied to the impervious area on-site which drains to an eligible BMP facility.

The maximum credit shall not exceed 30%. (For any Non-Residential/Commercial properties managing a 100-year storm and qualifying for all three (3) Structural BMP Categories, a possible 40% credit can be earned.)

3.6. Application

The parcel owner (or an approved representative thereof) must submit a completed Stormwater Fee Credit Application Form and all required documentation. Applications and documentation requirements are detailed in the following section.

3.7. Application Forms

Application forms are provided in Appendix A and available on-line at www.warminsterauthority.com Hard copies may be obtained at the Authority office at 415 Gibson Ave, Warminster, PA 18974.

3.8. Application Fee

The application fee for Non-Residential BMP credits is \$40 (non-refundable) and must be included with the application form. The application fee is waived if the BMP was previously approved in connection with a land development application process. The application fee for Residential BMP credits is \$20 and must be included with the application form. If the residential BMP is approved, the \$20 application fee will be applied to the account for the following billing cycle.

3.9. Documentation Requirements

At the time of application, the owner(s) will need to provide the following documentation:

- Complete and Signed Application Form
- Design documentation/engineering analysis of the BMP facility
- As-built plans and/or construction drawings acceptable to the Authority (for projects utilizing construction drawings, the plans must be accompanied by a Letter of Certification from the Engineer of Record that project was built in accordance with the construction plans)
- Owner's Operation and Maintenance Plan, if applicable

3.9.1 Maintenance Documentation Requirements

In order to be eligible for a credit, the owner must demonstrate (at their expense) that the facility is being maintained. This requirement may be waived if the Authority has recently inspected the facility and has found it to be in good working order.

3.9.2 Maintenance Agreement

In order to be eligible for a credit, a signed or documented maintenance agreement with the Authority may be required. Under the maintenance agreement, the owner must allow the Authority access to the site to view and inspect the stormwater BMP at the Authority's discretion.

3.10 Credit Approval

The Authority will review the required documentation and final approval or denial of the credit application will be issued by the Authority Manager. The applicant will receive written notification of the approval of credit(s) or denial of credit(s).

3.11 Appeal of Credit Determination

Appeal of the credit determination can be made in accordance with Article IX, Appeal Procedures

of the Authority's Rates, Rules, and Regulations for the Stormwater Management Program.

3.12 Issuance of Credits

Credits approved by the Authority will be applicable to the next billing cycle. Credits will not be retroactive to any previous fees paid, unless approved by the Authority.

3.13 Credit Renewal

All stormwater credits, unless noted otherwise, will be valid for each NPDES Permit Cycle (Expires March 31, 2027). Prior to expiration, a credit renewal application must be submitted to the Authority along with annual maintenance records, if applicable. The Authority will allow self-certification of maintenance and inspection records to be submitted at the time of renewal. Credits will need to be renewed in order for the owner to continue to receive credit on their stormwater fee. Should the owner fail to submit a renewal application, the credit(s) will expire. The Authority may require expired credits to undergo recertification/re-application.

3.14 Site Inspections

After a customer submits a credit or credit renewal application, the Authority may inspect the parcel(s) to verify the information provided in the application and in the supporting documentation. It is the responsibility of the customer to allow the Authority access to the parcel. Following submission of a credit or credit renewal application, the customer shall grant the Authority, its employees or authorized agents permission to enter the parcel to inspect the parcel to ensure that the information provided in the application accurately represents the current parcel conditions. If an Authority inspection determines that the facility is not being maintained, the credit can be revoked. The Authority may choose to withhold credit until the owner can demonstrate the BMP has been restored to good working order and appropriate maintenance plans are in place.

3.15 Termination of Credits

The Authority may review and terminate any approved credits at any time if the BMPs associated with those credits are found to be improperly maintained and/or not adequately functional or the owner fails to restore the BMP to good working order following notification by the Authority.

Appendix A – Stormwater Fee Credit Application