



**DEPARTMENT OF PUBLIC SERVICE
RULES & REGULATIONS FOR STORMWATER UTILITY CREDIT PROGRAM**

Don Schonhardt, Mayor

3800 Municipal Way - Hilliard, Ohio 43026-1696 • Municipal Offices (614) 876-7361

Issued by: Clyde R. Seidle, Director of Public Service

Rules and Regulations for Stormwater Utility Credit Program

Current RR No: 2010-017

Authority: Ordinance 09-63 as adopted by City Council

Effective Date: August 6, 2010

Last Revision Date: none

Previous: none

Purpose:

To establish rules and regulations for reviewing credit applications for the Storm Water Utility and granting annual refunds to approved applicants.

Rules & Regulations:

By the passage of Ordinance 09-63 (Amended) on December 21, 2009, Hilliard City Council created a Stormwater Management Utility in the City of Hilliard which is now codified in Chapter 951 of the City's Codified Ordinances. Section 951.18 of the code permits the City's Service Director to promulgate rules and regulations which allow for a credit, under certain circumstances, in the Stormwater Management Service Charge for properties other than single-family residential properties. These rules and regulations may allow, as determined by the City's Director of Public Service, application of the credits retroactive to the effective date of Chapter 951 which is January 21, 2010.

All credit programs shall have run from September 1st to August 31st of the subsequent year.

Pursuant to Chapter 951, factors to be considered in granting a credit include, but are not limited to, the following:

1. Properties that have existing stormwater detention facilities, or those planning such facilities, may have their stormwater management service charges reduced as determined by the Utility, in accordance with generally accepted engineering standards and practices, to more accurately reflect the property's contribution to runoff and the level of service provided to such property. The detention facilities must be in accord with the hydrologic, hydraulic, and structural design requirements of these rules and regulations. Facilities of a temporary nature will not be allowed a decrease in their charges.
2. The Utility may reduce or waive requirements for an individual detention/retention basin if a common or regional basin of adequate design is available or if the Utility is reasonably certain one will be constructed and if the major drainage system from the project area to such common or regional basin is such that the public health, safety and welfare will not be in jeopardy.



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A Credit refers to a reduction in a non single-family residential customer's storm water service fee authorized for certain qualifying activities which either reduce the impact of increased storm water runoff or reduce the City's costs of providing and maintaining storm water facilities. The term of a credit can vary depending upon the type of credit.

AVAILABLE CREDIT PROGRAMS

Credits can be made to non single-family residential properties' storm water utility rates for qualified property owners performing activities that reduce the impact of storm water runoff to the storm water system, pursuant to the following:

A. Education Credits

This program is available to all Schools within the City Limits of Hilliard, public or private, that offer a compulsory education curriculum for grades K through 12 or part thereof. If granted, these credits will be issued on a building complex by building complex basis.

Where a site is jointly used by a school and another use (e.g. church) the storm water fee will be prorated based on usage and the credit will be issued to the school portion of the fee.

In no case will the total credit amount be more than 50% of the stormwater bill for approved programs providing public awareness and education on stormwater issues, as follows:

1. Storm water Educational Curriculum (e.g. Project WET and Project Aquatic WILD) integrated into standard curriculum for at least 35% of the students enrolled in the school; or
2. Storm water Educational Activities (e.g. essay contest, poster contest) with participation of at least 35% of the enrolled students; or
3. Public Service Activities (e.g. Adopt a Road, Adopt a Stream or inlet stenciling) involving at least 5% of the enrolled student population of the building, or utilizing student recruited adults. Where adults are recruited, they shall be credited with 3 equivalent students per each adult participant; or
4. In-Kind Services (e.g. web site development, brochure development, public service announcements, videos or other program related work) as approved by the City's Director of Public Service or his/her designee; or
5. A combination of the above 1-4 items for an equivalent student participation of at least 35% of the enrolled student population of the building, or as approved by the City's Director of Public Service or his/her designee.



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Application Procedure for Education Credits

In order to receive educational credits, the school will need to submit an application including an education plan and pay the required fee of \$25.00 at the time of application. The education plan shall be reviewed and must be approved by the City's Director of Public Service or his/her designee. Once approved and certified, the credit shall be refunded to the applicant on an annual basis.

Upon completion of the educational plan or no later than September 30th of each year, the school shall submit an annual report to the City's Director of Public Service containing information as to that particular school's compliance with the approved plan. The annual report shall be broken down by the types of activities, activity dates, and the number and school grade of participants (as compared to the school's enrollment figures). If the school did not substantially comply with the plan, the school's report shall include an explanation as to the failure and the proposed corrective plan of action. Other reporting requirements, if required by the approved education plan, shall be included in the annual report.

The annual report will be reviewed for compliance by the City's Director of Public Service. If upon review, it is determined that the school did not substantially comply with the approved plan, the City may do one or more of the following, or a combination thereof;

- Require additional activities as a corrective action;
- Reduce the education credit to a level comparable with the compliance;
- Revoke the education credit and no refund will be issued; or
- Refuse approval of any new education plan based upon non-compliant past performance(s).

Once approved the City shall process the appropriate credit refund in the next billable cycle (in November). If a credit program has not been in place for a full year the credit shall be prorated based on the number of months it has been in place.

B. Retention/Detention Credit

This program is available to all non single-family residential properties or part thereof. Credits will be issued on a property by property basis for only the portion of the property tributary to the retention/detention facility.

When a facility is jointly used by several non-single family properties under a joint use agreement, including deed restriction, the credit shall be prorated among the properties as a percentage of the tributary area.

In no case will the total credit approved be more than the cap identified.



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Retention/Detention Credits Available.

1. Peak Flow Reduction Credit: This credit is based on the reduction of post-development peak flow for the specified rain event. An applicant must demonstrate that runoff from the land parcel is released at a lower rate than without storm water management. To determine the amount of credit, the “post-site development” peak flow with no management will be compared to the “post-site development” peak flow with management. The percentage change will then be multiplied by the number of ERU’s served by the stormwater management facility. All calculations shall use the 100-year, 24-hour, SCS Type II distribution rainstorm of 6.0 inches and SCS curve number hydrology.

For example, the owner of a nonresidential property having an impervious area of 200,000 square feet (100 ERUs) applies for a credit based on the presence of a detention basin that reduces the 100-year peak flow rate from 50 cfs to 40 cfs (a 20% peak flow reduction). The detention basin serves an on-site impervious area of 100,000 square feet (50 ERUs) of the total 200,000 square feet of impervious area present on the site. The owner would then be eligible for a credit of 10 ERUs based on multiplying 20% times the number of ERUs served by the facility, which is 50 ERUs times 20%, which is 10 ERUs.

The minimum credit permitted under peak flow reduction credit is 10% and the maximum permitted credit is 50%.

2. An additional credit not to exceed 10% may be provided for facilities that provide additional detention/retention that benefits upstream or downstream properties without a joint use agreement. This additional credit will be calculated as one tenth of a percent for each one percent in detention/retention over the volume required by City Standards.

3. An additional credit not to exceed 10% may be provided for demonstration projects of Best Management Practices, determined and approved by the City Engineer and designed to meet specific site situations, such as infiltration basins, infiltration strips, rain gardens or bio-retention systems.

Application Process:

A retention/detention credit is available upon successful completion of the application process, including the submittal of all necessary engineering calculations, documentation, and proof of required information, signed and stamped by a professional engineer registered in the State of Ohio, and payment of the required application fee. Retention/detention credit is available only for those eligible properties whose retention/detention facilities exceed City design, construction and maintenance standards.

For facilities constructed after the effective date of Chapter 951 (January 22, 2010), the credit will be effective the later of the date of submittal of a successful application, or the date storm water utility billing for that property began (if all requirements and conditions as stated herein are met).



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Failure to operate or maintain the facility as designed shall be reason for forfeiture or termination of the approved credit. The City, through the Director of Public Service, shall notify the property owner/operator of the facility's deficiencies and the potential to lose the approved credit, prior to termination.

C. Maintenance Credit.

This program is available to all non single-family residential properties that maintain public storm water open channels and are eligible to receive a direct cost reduction (credit) in the property's storm water utility fee. Credits will be issued on a property by property basis. In no case will the total credit be more than the cap identified.

Maintenance credits may be granted to properties that maintain public storm water open channels or to property owners who participate in an approved Adopt-A-Road/Stream/Park or other City-sanctioned clean-up program. In order to receive a Maintenance credit, the non-single family property owner will need to submit an application, right of entry easement, if applicable, a maintenance plan and any required engineering plans and calculation stamped by a registered professional engineer. If approved, a refund will be issued by the City of Hilliard as set forth herein.

Maintenance credits may be granted to reduce operation and maintenance costs as follows:

1. A credit of up to 30% may be provided for maintaining public storm water open channels, such as wet or dry swales, grass channels or vegetated filter strips. The credit will be calculated as one half percent per lineal foot of channel maintained. For public storm water open channels draining an area of 10 acres or larger, the property will receive a storm water service fee credit of one dollar (\$1.00) per year per lineal foot of public storm water open channel maintained and meeting all applicable sections of the City's code.

For public storm water open channels draining an area less than 10 acres, the property will receive a storm water service fee credit of fifty cents (\$0.50) per year per lineal foot of public storm water open channel maintained and meeting all applicable sections of this regulation.

Failure to maintain the open channel to the minimum standards set forth in this regulation shall be reason for forfeiture of a portion or all of this credit. The City Engineer shall notify the property owner of this forfeiture and actions necessary to receive full credit.

2. A credit of up to 20% may be provided for participation in an approved Adopt-A-Road/stream/park program. The credit will be based on a signed contract to provide litter collection on a minimum one-mile section of roadway, stream section or park area on a schedule to be approved by the City's Director of Public Service or his/her designee. The minimum term of the contract shall include three clean-ups per year for a three-year period.



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In order to receive credit for participation in an approved Adopt-A-Road Program, the property owner will need to submit an application and a request for roadway designation. Only roadways designated by the City Engineer shall be approved for adoption and clean-up work must be completed in accordance with an approved schedule.

3. A credit of up to 20% may be provided for participation in a sanctioned City clean-up program. The credit will be calculated as 2% for each 5 participants in the cleanup program. The credit shall be granted for a period of no more than a 12-month period for the sanctioned program.

In order to receive credit for participation in a sanctioned clean-up program, the property owner will need to submit an application and tentative list of participants. Participants must register at the event and identify themselves as credit program participants.

The City Engineer or designee shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the City. If the proposal is approved for maintenance credit, the City Engineer shall periodically inspect or cause the inspection of the property to insure compliance with the approved maintenance plan. Non-compliance will result in the forfeiture or termination of the approved credit.

Credit applications will not be accepted from any property that has a delinquent utility account. Credits apply only to non single-family properties in which the activity applies. Credits may not be transferred to other properties.

The total amount of all credits issued under Section 951.18 shall not exceed 80% of the storm water utility fee charged to the property.

Application Procedure for Retention/Detention and/or Maintenance Credits

To apply for the retention/detention facility credit and/or maintenance credit, an application shall be prepared and submitted to the City's Director of Public Service containing the requested information for the credits being requested. The Credit application shall be reviewed and must be approved by the City Engineer. Each applicant shall remit a one-time, nonrefundable fee of \$150 with their completed application. A fee of \$50.00 shall be charged for each additional retention/detention facility on the same property for which a credit application is made.

Once the credit application is approved, the City Engineer will review the facility for conformance to the provisions of the credit program. If all is found acceptable by the City Engineer, the Applicant will receive a refund in the amount of the credit to be paid to the applicant.



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In addition, a report must be submitted to the City's Director of Public Service providing details on how the requirements for the credits have been met by the applicant. The annual report will be reviewed for compliance by the City's Director of Public Service or his/her designee. If upon review, it is determined that the facility did not substantially comply with the approved plan, the City may do one or more of the following, or a combination thereof;

- Require additional activities as a corrective action;
- Reduce the credit to a level comparable with the compliance;
- Revoke the credit and no refund will be issued.

Once approved the City shall process the appropriate credit refund annually in November. If a credit program has not been in place for a full year, the credit shall be prorated based on the number of months it has been in place.

Issued by:

Clyde R. Seidle, P.E.
Director of Public Service/City Engineer

AUGUST 6, 2010

Date