

Bethlehem Township Municipal Authority

Stormwater Management Program Credit and Appeals Manual

**Bethlehem Township
Northampton County, Pennsylvania**

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Introduction

This Manual provides Bethlehem Township Municipal Authority (Authority) Stormwater Management Program customers with details on the Credits available to reduce their Stormwater Management Program (SMP) Fee. Credits are provided as a means for customers to reduce the amount of their fee by activities such as implementing a creditable Best Management Practice (BMP) to reduce the contribution of stormwater and pollutants to the Authority's Stormwater Management system and/or to aid Bethlehem Township (Township) in meeting its MS4 Permit obligations.

Stormwater management is important to our community. It is necessary to manage stormwater runoff generated by impervious surfaces because it carries pollutants that can degrade the quality of natural waterways. In addition, impervious surfaces generate more runoff than pervious surfaces, which can increase the potential of flooding and associated property damage. The Authority is in the process of developing and implementing a comprehensive Program to provide enhanced stormwater management to property owners in the Municipality.

The foundation of an effective SMP is the development of a fair and equitable SMP Fee to provide for a dedicated and reliable revenue stream. Revenues generated by the SMP Fees will support the SMP and its goals to: ensure MS4 Permit regulatory compliance including Pollutant Reduction BMP implementation, improve water quality, mitigate flooding where practicable, support strategic planning for capital improvements, support effective infrastructure operation and maintenance, and promote the education of the community on practices to improve the quality of water resources.

The *Stormwater Management Fee Resolution* defines how properties within the storm sewer service area will be assessed fees based upon Impervious Area (IA) coverage on the property. This Manual will provide the user with the procedures to follow in order to apply for credits from the Authority. See the Authority's *Stormwater Rates, Rules and Regulations* for further details.

Disclaimer

By submitting a Fee Credit Application pursuant to the Credit Policy Manual, the Property Owner acknowledges and agrees that he and his 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. The Authority shall not be responsible for or liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom.

Definitions

The following definitions apply to the Credit and Appeals Manual. Terms can be defined by the Authority's *Stormwater Management Fee Resolution* currently in effect and the Authority's *Stormwater Rates, Rules and Regulations*, to the extent not contradictory.

Credits and Credit Policies

General Policies

1. It is the Owner's responsibility to apply for credits and supply all of the necessary materials.
2. Specified Credits are available to all property Owners.
3. The maximum amount of credit received **shall not exceed 35%** per property, unless a property is granted a large Credit under the Stormwater Partnership Credit.
4. **Accounts must be current in order to receive Credit(s) conferred by these policies.** Credits will be revoked if an account is overdue more than 90 days. Upon becoming current, property owner may reapply to reinstate the revoked credits.
5. Credits will be revoked where qualified BMPs are not maintained.
6. Complete applications will be reviewed with determination made within 90 days of submission (incomplete applications will be returned for correction). Credits will become effective at the beginning of the next billing cycle.
7. The credit application fee is waived through December 31, 2022. Approved credits and appeals shall be retroactively applied if resulting from an application received before December 31, 2022. Property owners may be required to establish an escrow account of \$2,000 for specific credits such as new or retrofitted BMPs to cover professional services for review of the application. Application fees are subject to adjustment January 1 of each year. Refer to the Applying for Credit section of this document for additional detail. A credit application may include multiple related parcels.
8. Credits expire December 31, 2024 unless otherwise determined by the Authority. At that time the Credit Policy will be reevaluated at the discretion of the Authority. Adjustments to the value of credits may be made at that time and/or reapplication required.
9. The Authority has full discretion over the credit process.

Eligibility

To be eligible for a Credit, the property must have been assigned a Stormwater Management Program Fee and there must not be any outstanding and unpaid SMP Fees against the property. Owners must submit the appropriate Credit Application along with any documentation required by the Authority.

Credit Details

Credit reduction is proportional to the IA that drains to the BMP. The SMP Fee with approved Credits will be calculated as follows:

$$\text{SMP Fee} = \text{Original SMP Fee} \times [1 - \text{Approved Credit(s)}]$$

Example 1: A property owner has 10,000 sf of IA . The owner connects half of the IA (5000 sf) to a BMP receiving 25% credit.

Percentage of Impacted IA = (5000 sf IA/10,000 sf Total IA) = 50%

Approved Credits = 25% credit applied to 50% of the Total IA = 12.5%

SMP Fee = Original SMP Fee x [1 – 0.125]

Summary of Available Credits

Table 1. Summary of Available Credits

Credit	Max Credit
Peak Rate Control / Volume Control Structural BMP	35%
Education Credit	10%
Low Impact Parcel Credit	20%
Stormwater Partnership Credit	TBD

Credits

Peak Rate Control / Volume Control Structural BMP

Structural BMPs that control the rate, volume, and water quality of stormwater generated on the property are eligible for Credit. The maximum credit for peak rate and volume control is 35%.

Peak Rate Credits for the installation of an approved control system per the Bethlehem Township Stormwater Management Ordinance (SWMO) will be eligible for up to 20% Credit for the 100-year event. This is in addition to any volume control credit as noted below.

Any system designed for volume control in accordance with the SWMO will be awarded a 15% Credit. This is in addition to any peak rate control noted above. The system must provide for the required Water Quality Volume (WQV), which is the storage capacity needed to treat stormwater runoff equivalent to a minimum of the National Oceanic and Atmospheric Administration (NOAA) precipitation frequency estimate for the 2-year, 24-hour storm at the time of application. Land developers shall maintain annual groundwater recharge consistent with pre-development conditions, by infiltrating an amount of runoff equal to the "Recharge Volume" (based on the average annual infiltration rate based on the prevailing hydrologic soil groups present at a site). The recharge volume may be part of the water quality volume. Approved volume system control systems may be but are not limited to infiltration basins, infiltration trenches, and rain gardens. See the Pennsylvania Stormwater BMP Manual section 6.4 for more information on the listed systems as well as other options.

A detailed inspection schedule and maintenance schedule shall be developed. The maintenance schedule should include a detailed step by step procedure on how the control system shall be maintained in order to work in perpetuity. Include contact information of the person responsible for the O&M in accordance with the SWMO. Inspection and maintenance logs should be maintained. All control systems shall be contained within a minimum twenty-foot (20') wide SWM easement. Access to the SWM easement shall be provided from the nearest public right-of-way.

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. Peak rate, volume control, and water quality calculations shall be in compliance with the Code of the Municipality. Previously installed control systems may also apply for this Credit assuming they are in proper working order and are approved by a Pennsylvania licensed professional engineer. Credits will be prorated to the amount of IA managed relative to total IA on site.

Education Credit

The Authority encourages both public and private educational systems (K-12 and college) to educate and inform their students 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 our water resources.

The educational program may include participation in a water resource-themed student poster session or science fair, take-home materials, classroom lessons, field trips, etc. The educational program/materials must be preapproved by the Authority. The following list of educational resources

and materials are provided as examples, but is not meant to exclude other educational material that may be approved by the Authority:

- PSU Extension: *Rain to Drain – Slow the Flow*
- EPA NPDES Stormwater Outreach Materials and Reference Documents
- EPA Teacher Resources and Lesson Plans
- EPA Water Science and Technology for Students and Educators
- USGS Education Resources
- Soil Science Society of America: *Soils 4 Teachers*

Eligible education institutions may be granted up to a 10% Credit which educates at least 50% of the grade levels within the school or school system. A school with more than 50% of its students enrolled in levels below Kindergarten (i.e. pre-K, pre-school, daycare, etc.) is not eligible for an Education Credit.

Education Credits are valid for one (1) year but will be renewable each year the curriculum is taught. See the Authority *Stormwater Rates, Rules and Regulations* for further details.

Libraries, religious organizations, and other non-profits are also eligible for the education credit. Interested parties should contact the Authority to discuss an education plan specific to their capabilities.

Low Impact Parcel Credit

A parcel is considered a Low Impact Parcel if its Total IA is less than or equal to 10% of the total parcel area. If a parcel meets this condition, it is eligible for a Credit of 20%. Parcels meeting this criterion as of the IA mapping in 2021 will have the credit automatically applied.

Stormwater Partnership Credit

The ultimate goal of the stormwater program and credit policy is to improve local and regional water quality. Therefore, customers are encouraged to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a 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 Stormwater Partnership Credit. Credit will be based upon benefit analysis demonstrating actual cost reduction to be realized by the Authority.

Applying for Credit

Pre-Application Meeting and Field Review

Some Credits will require a pre-application meeting and/or a field review with the Authority. All Owners interested in installing a new BMP or retrofitting an existing BMP should submit the Pre-Application Meeting Request form provided in Attachment C to the Authority. The Authority will contact the Owner to schedule a mutually agreeable meeting date and time or provide notification if the specific installation does not necessitate a pre-application meeting.

Design Standards

All proposed BMPs shall comply with the applicable design standards set forth in the municipal ordinances for which the property is located and Pennsylvania Stormwater Best Management Practices Manual including, but not limited to, the use of appropriate professionals, such as Professional

Engineers, Professional Geologists, Landscape Architects, Soil Scientists, etc. when required. When applicable, karst hazards, soil investigations, infiltration testing, or other pertinent site-assessment activities should be conducted.

Credit Application

In order to receive Credit, all Owners must follow the subsequent application process. Materials can be mailed to the Authority Stormwater Management Credit Administrator or delivered to the Authority at the Bethlehem Township Municipal Building. Properly submitted applications will be reviewed by the Authority within 90 days of submission, unless extended by good cause shown. The applicant will be notified in writing whether or not the credits applied for were approved. Unapproved applications will have 60 days to resubmit before their application is terminated. Approved applicants will receive a letter along with a credit agreement that must be signed and returned to the Authority within 60 calendar days (failure to do so will terminate the Credits). Credits will then be applied to the next billing period. Credits will be valid until December 31, 2024, after which time they may be eligible for reapplication. Separate Credit applications must be submitted for each tract of land.

The following documentation must be submitted for an application to be reviewed:

1. Completed credit application form signed by the property owner (see Attachment A).
2. Photographs of the site showing layout, inlets, outlets, etc.
3. Owner's Operation and Maintenance Plan.
4. Record of maintenance undertaken. (Existing facilities only)
5. Application fee if one is established.
6. For some applications, a \$2,000 Escrow must be established to cover professional services related to review and processing of the application. If at any time funds are drawn below \$500 the escrow account must be replenished for the application review to proceed. Larger escrow amounts may be required for larger applications with multiple BMPs for review.
7. The Authority has the right to require submission of design documentation, as-built or construction drawings, and an engineering analysis from a Pennsylvania licensed professional engineer. Notification of this requirement will be provided in response to the Pre-Application Meeting Request.
8. The Authority has the right to require documentation from a licensed engineer that the facility is in proper working order. (Existing facilities only).
9. Additional documentation may be required at the request of the Authority.

Maintenance Policies:

All who receive Credits will be required to sign a Maintenance Agreement, substantially in the form attached to this document, which references an Operations and Maintenance Plan outlining any and all maintenance that will be required to continually qualify. The basic minimum maintenance requirements that should be listed in an Operation and Maintenance Plan are, but not limited to:

- Sediment shall be removed when approximately 30% of storage volume of the facility is filled.
- Any sinkholes shall be repaired.
- Trash shall be removed.
- No woody vegetation shall be allowed to grow on embankments unless called for in the facility's design.

- Debris shall be removed from the inlet, outlet, and any other structures that have the potential to clog. All systems should be checked at minimum 4 times per year and within 48 hours after any major rain events of $>1"$.
- Documentation of inspections must be submitted by July 1st of each year.
- Previous year's maintenance log must be submitted by July 1st of each year.
- Control structures shall remain unaltered, intact, and functioning as originally designed.
- See Pennsylvania Stormwater BMP Manual for system specific inspection details.

The Authority has the right to inspect all systems to ensure they are working properly. If a system is found to be operating inadequately, the Owner will be notified in writing of the deficiencies. If the Owner does not make the necessary corrections within 45 days, any and all Credits may be revoked. If Owner fails to submit annual reporting documentation by deadline listed above, Credits may be revoked.

Appeals

Appeal Impervious Area Assessment

If a property owner believes that their Impervious Area estimate is incorrect they may appeal it. Similarly any property owner who believes stormwater fees have been assessed for a parcel they do not own shall notify the Authority. Note that review of the Impervious Area may cause the assigned estimate to increase as a result of the appeal.

Appeal forms are available in Attachment D. There is no processing fee for appeal applications. Materials can be mailed or personally delivered to the Authority office. Within 60 calendar days of being received, the Authority will contact the owner with information about the status of the application as well as instructions about how to proceed. Questions about a given IA assessment can be made by contacting staff at the Authority office during regular business hours.

Attachment A – Credit Application

Credit Application Instructions

1. This form is provided to Stormwater Management customers who believe they qualify for an approved Stormwater Management Credit. Customers should review the Credit Manual for eligibility requirements for Credits.
 2. Please fill out all sections on the first page of the form, except for the last section marked "For Authority Use Only". Please fill out all applicable sections related to the Credits you are applying for.
 3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to the Bethlehem Township Municipal Authority at the address of the Bethlehem Township Municipal Building, Attn: Stormwater Management Credit Administrator
 4. An Authority representative will review the Stormwater Management Credit Application Form within 90 days of receipt of the completed form.
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Attached Documents

The following documentation must be submitted for an application to be reviewed

1. Completed and signed credit application form.
 2. Photographs of the site showing layout, inlets, outlets, etc.
 3. Owner's operation and maintenance plan.
 4. Previous year's maintenance log. (Existing facilities only)
 5. Application fee if one is established.
 6. Escrow deposit of \$2,000 if applicable.
 7. The Authority may require for the following additional documentation to be submitted:
 - a. Design documentation, as-built or construction drawings, and an engineering analysis from a Pennsylvania licensed professional engineer.
 - b. Documentation from a licensed engineer that the facility is in proper working order. (Existing facilities only)
 - c. Other documentation as may be required at the request of the Authority.
-

Please review the Authority's Stormwater Management Program Credit and Appeals Manual before applying

Select the credit(s) being applied for (check applicable boxes):

<input type="checkbox"/> Peak Rate Control / Volume Control Structural BMP	<input type="checkbox"/> Education Credit
<input type="checkbox"/> Stormwater Partnership Credit	

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Parcel Number: _____

Mailing Address: _____

Account Number: _____

Additional Information

The Authority will contact you to discuss the details of the credit after you submit page 1 of the application.

Confirmation of Credit Conditions and Authority Access Rights

I, (please print name) _____ agree to all conditions of the Credits I have applied for as outlined in the *Bethlehem Township Municipal Authority Stormwater Management Program Credit and Appeals Manual*. Additionally, I agree that Bethlehem Township Municipal Authority representatives may at reasonable times enter my property to inspect the property or condition or operation of BMPs.

Signature: _____ Date: _____

FOR AUTHORITY USE ONLY

Date Received: _____	Credit(s): <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	% Credit to be Applied: _____
Date of Credit Expiration: _____	Reviewer: _____

Attachment B – Maintenance Agreement

OPERATION AND MAINTENANCE AGREEMENT
STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)

See Agreement referenced in the Township Stormwater Management Ordinance (available at the Township office).

Attachment C – Pre-Application Meeting Request Form

Pre-Application Meeting Request Instructions

1. This form is provided to Stormwater Management customers who want to install a new BMP or retrofit an existing BMP to become eligible for Stormwater Management Credit. Customers should review the Authority's Credit Manual for eligibility requirements for Credits.
2. Please fill out all sections on the form, except for the last section marked "For Authority Use Only".
3. Please mail completed form to the Bethlehem Township Municipal Authority at the address of the Bethlehem Township Municipal Building, Attn: Stormwater Management Credit Administrator
4. An Authority representative will review the Request within 90 days of receipt of the completed form.

Please Mark All That Apply

☐ I want to install a new BMP

☐ I want to retrofit an existing BMP

☐ I have an idea for a project that might qualify for the Stormwater Partnership Credit

☐ Other: _____

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

Parcel ID (if known): _____

FOR AUTHORITY USE ONLY

Date Received: _____	_____
Date Reviewed: _____	Reviewer: _____

Attachment D – Appeal Form

Appeals Instructions

1. This form is provided to customers who have reduced their Impervious Area coverage or who disagree with the Impervious Area determination by the Authority for their property.
 2. Please fill out all sections on the form, except for the last section marked "For Authority Use Only".
 3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to the Bethlehem Township Municipal Authority at the address of the Bethlehem Township Municipal Building, Attn: Stormwater Management Credit Administrator
 4. An Authority representative will review the Appeal Form within 60 days of receipt of the completed form.
 5. Approved adjustments will be applied to the current stormwater bill and all future billings.
-

Appeal Information

Impervious Area Estimate (optional): _____

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

Parcel ID (if known): _____

Please provide a brief description as to why this change is necessary:

Signature: _____ Date: _____

FOR AUTHORITY USE ONLY

Date Received: _____	Appeal: <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	Change to be Made: _____
Date of Application: _____	Reviewer: _____