

DRAFT

Franklin Stormwater Management Credit and Appeal Manual

Overview

Overview and Intent

The City's intent is to encourage sound technical design practices which reduce the negative impact of development on the stormwater drainage system through a simple but effective credit system. Understanding that some situations may pose unique circumstances, the city has designed an efficient and equitable appeals and fee adjustment process.

Properties whose impact on the City's stormwater drainage system is significantly limited or has been effectively reduced through specific controls may receive a credit adjustment to their Stormwater user fee. A stormwater credit is a reduction in the stormwater user fee for specific activities that reduce a property's impact on the drainage system, or, in the case of schools, environmental education activities that effectively reduce the City of Franklin's stormwater program costs.

Credits are associated with the construction, operation, and maintenance of privately owned stormwater facilities that provide beneficial use to the City. Appendix A contains Stormwater Management Utility Forms that are used as part of the adjustment and credit policy.

The City grants **adjustments** when customers identify incorrect information contained in the City's billing database. All customers, whose bills are paid and current, are eligible for applicable adjustments to correct errors in billing.

A credit application will not be considered complete and will not be processed unless accompanied by the application fee of one-hundred dollars (**\$100.00**) and all appropriated written forms and information as required according to the guidelines set out in the **Franklin Stormwater Management Credit and Appeal Manual** (this document).

Basic Credit Process

During the initial period after credits become available:

1. The Director of Engineering will review adjustment and credit requests, submitted within the first year after the initiation of credits, within a six-month period from the date of filing of the request.
2. Adjustments resulting from such requests shall be retroactive to January 2003 and will not exceed one year and a half.

Subsequent credit applications submitted after the initial year:

1. Subsequent evaluations may be made within six months of filing the credit request application and may allow fees to be reduced from the date of the complete application.
2. Adjustments shall be made by crediting the customer's stormwater user fee charge until any overpayment has been fully repaid. A pending application for credit shall not constitute a valid reason for non-payment of the currently assessed fee.

Any credit is conditioned by continuing compliance with the City's design, performance and maintenance standards as stated in this document. The City may revoke a credit at any time for non-compliance.

Basic Appeals and Adjustment Process

Requests for adjustment of the stormwater user fee shall be submitted through the Director of Engineering, who has the authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. All requests shall be judged on the basis of the amount of impervious area on the site.

The following procedures shall apply to all adjustment requests of the stormwater user fee:

1. Any property owner who believes the Equivalent Residential Unit (ERU) component of their stormwater user fee is incorrect may submit a written adjustment request on Stormwater Management Utility Form No. 1 (single family residential property) or Stormwater Management Utility Form No. 2 (nonresidential property). A homeowners association may also apply for an adjustment for their stormwater infrastructure, which serves their neighborhood.
2. A single family residence can request an adjustment if they think their property is being billed in wrong tier level.
3. The first step in the non-single family residential adjustment process will be a review of the City's calculation of the impervious area. If resolution is not achieved, the City may request the customer to provide supplemental information to the Director of Engineering. Failure to provide such information may result in the denial of the adjustment request.
4. The Director of Engineering shall respond in writing within six months to all adjustment requests. The response shall provide an explanation of adjustment approval or denial as well as requests for additional information.
5. All adjustments in stormwater user fee shall be retroactive to the date of the fully completed adjustment request.
6. Adjustment denials may be appealed to the Director of Engineering and then to **Stormwater Appeals Board Stormwater (Transportation Committee or successor)**.

Additional Stormwater Adjustments

In addition to the adjustments based on errors in impervious area calculation, adjustments may be also be given when an owner meets any of the following requirements:

- Owner demonstrates that rainfall occurs on an impervious area does not generate runoff (has no outlet), is completely watertight, and has at least 2 ft of freeboard. The purpose of this adjustment is to credit unusual structures, such as swimming pools, hazardous material storage areas, etc. For these specific cases, customer's ERUs will be adjusted by removing from the ERU calculation from the amount of impervious area that does not generate runoff. This may require registered professional engineering calculations.
- Owner demonstrates that on-site gravel is not compacted, not used for vehicular traffic, and is pervious. The City may grant adjustments for non-compacted gravel areas used for landscaping or other purposes.
- The City of Franklin expends funds for dealing with the quality and quantity of all surface waters flowing within its boundaries that carry public water. Thus these systems are defined as the stormwater/flood control systems of the City. Owners whose stormwater runoff does not discharged into or through the stormwater/flood control facilities of the City shall be exempt from paying the user fee. Adjustments will be granted only for that portion of the property's impervious surface area that does not discharge through the City's stormwater/flood control facilities.

CREDITS

Eligibility

Credits are available to non-residential customers. For water quality and water quantity credit, some engineering calculations may be required to receive credit. Therefore, certain parts of the application are required to be performed by a registered professional engineer. Original design documents may suffice. It is the responsibility of each nonresidential customer to provide the proper documentation for this credit.

Customers can apply for a combination of credits. The maximum credit for water quantity is 50% and the maximum credit for water quality is 25% reduction in stormwater user fee. No property can receive over a total of 75% reduction in credit.

Credit Compliance

If the property has been determined to be out of compliance with this credit policy:

1. For any customer who is found to be out of compliance with this credit policy, the official may serve, by personal service, or by registered or certified mail a warning and will be given thirty (30) days of the receipt of the notice, or shorter period, to come back into compliance.
2. After required repairs are accomplished, customer must contact the city to be re-inspected. If repairs bring the site into compliance, credit maybe reinstated in the next billing cycle.

Credit Types

Credits are available in four categories:

1. **Water Quantity Credits** for facilities that convey stormwater runoff,
2. **Water Quality Credits** for facilities that reduce pollution,
3. **Education Credits** for most public and private schools or school systems, and
4. **NPDES Stormwater Permitted Facilities Credits** for facilities with a TDEC Stormwater Permits on file.

Submittal Procedure

The basic procedure is to: (1) perform the necessary analysis or gather documents proving the analysis, (2) fill out the application and, (3) submit required information. After approval of the application and City inspection, the City will institute the credit retroactive to the date of a completed acceptable application. The credit shall remain in force as long as the facility is maintained satisfactorily.

Credit requests must be applied for in writing by the property owner, or designated agent, using Stormwater Management Utility Form No. 4 and must be submitted to the Director of Engineering. To receive the credit, the property owner must supply to the City the following:

1. Site plan and **as-built construction drawings** (signed and sealed by a qualified licensed surveyor or engineer) at an appropriate scale, showing the site, topographic details, overland flow paths, all stormwater facilities, and surrounding area. Existing construction plans can be used but it must be verified that it was built according to the approved plans (**required for water quality and water quantity credits**).
2. Appropriate hydrologic and hydraulic calculations using a generally acceptable methodology approved by the City that accurately describes the runoff through the site (**required only for water quantity credits**).
3. Topographic map outlining the size of the drainage area upstream of the developed property.
4. Floodplain and floodway location information if applicable (**required for water quality and water quantity credits**).

5. Calculations and a brief report that show the peak rate reduction capability of the detention facility for the 2-, 10-, 25-, 50-, and 100-year storm using SCS Methodology and a routed 24-hour storm (**required only for water quantity credits**).
6. An up-to-date Long Term Maintenance Plan and inspection and maintenance schedule submitted by the property owner that describes in detail the maintenance activities that have been carried out for the stormwater facility since it has been constructed. For every property, a Long Term Maintenance Plan with Inspection/Maintenance Schedule along with a notarized and recorded INSPECTION AND MAINTENANCE AGREEMENT OF PRIVATE STORMWATER MANAGEMENT FACILITIES must be submitted. (You can find these documents on the city web site <http://www.franklin-gov.com/stormwater.aspx> or at the City Department of Engineering) (**required for water quality and water quantity credits**).

Water Quantity Credits

Water Quantity Credits are available to properties whose peak stormwater runoff rate is restricted and/or controlled through onsite control facilities such as detention and retention ponds that are designed, constructed, and maintained according to city's maintenance standards. Credits for retention/detention facilities are available after having first satisfied the inspection and maintenance requirements previously mentioned. If you detain to a higher level than required by the city, then you may qualify for more credits depending on what watershed you are in or where in the watershed you are located. The maximum water quantity credit is 50% and will be considered on a case-by-case basis.

Recognizing that the City's stormwater requirements have evolved over the past three decades, the City may grant stormwater credits to customers that successfully prove their existing stormwater facilities met previous design criteria as indicated below. Quantity reduction credits are available for stormwater facilities that control the rate at which flow of post-development peak runoff is released with respect to the pre-development peak flow:

1. Post-development is equal to or less than pre-development peak flow for the 10-year storm flow design: Credit Amount 20%.
2. 2, 10, and 25-year storm flow design: Credit Amount 35%.
3. 2, 10, 25, 50, 100 year storm flow design: Credit Amount 45%.
4. 2, 10, 25, 50, 100 year storm flow design: Storm water facilities that provide 20% more storage volume than required for the 100-year design storm. This does not include required freeboard above the emergency spillway. Credit Amount 50%.

Water Quantity Credit Example:

Total impervious area on the site 300,000 sq. ft.

Gross ERUs = (300,000 sq ft) / (3,350 ERU) = 89.55 ERUs

Initial Stormwater User Fee = (89.55 ERUs) x (\$3.00/ERU/Month) = \$268.65/Month

Site acreage draining to detention pond = 100%

Detention designed through the 25-year storm event: Credit Amount - 35%

Application requirements are met.

(35%) x (100% site drainage area) = 35% 89.55 ERUs x .35=31.34 ERUs

Applied Credit Adjustment = (31.34 ERUs) x (\$3.00/ERU/Month) = \$94.02/month

Initial Stormwater User Fee \$268.65/Month

User Fee Credit Adjustment - \$94.02/Month

Final (Adjusted) Stormwater User Fee \$174.63/Month

Savings of \$94.02/Month or \$1,128.24/Year

Water Quality Credits

Water Quality Credits are offered to properties that discharge a portion of the runoff to approved best management practices (BMPs) which significantly reduce pollutants in stormwater runoff and this includes properties that discharge a portion of their runoff to a natural area, such as a filter strip, natural preservation area which provides water quality benefits and groundwater recharge or has water quality incorporated on site in some other structural BMP as oil/grit separator, specially designed detention/retention structures or some other approved methods.

The goal for water quality practices is for the removal of 80% total suspended solids of the first flush or 0.5-inches through a BMP Treatment Train. Approved water quality credits can be applied in addition to any approved water quantity credits. The maximum water quality credit for a property is 25% reduction in stormwater user fees. The credit will be granted for the portion of impervious area that drains to the BMP. Credit can be given when the BMP is sized, designed, constructed and maintained in accordance with the recommended specifications. The approved design, maintenance and removal rate of an individual BMP will be determined by information supplied by Franklin's Best Management Practices Manual or other reference documents. Poorly designed and maintained BMPs reduce its pollutant removal performance. Each property will be evaluated on a case-by-case basis.

Water Quality Credit Example:

A property owner (the same one as in the water quantity example) requests water quality credits. The property has a total 300,000 sq ft of impervious surface (parking lot, building, side walks, etc.) with a grassy filter strip 25 feet wide with half of the site (150,000 sq ft) draining by sheet flow to it on a slope of at or below 5 percent. The 25 ft grassy filter strip has been determined to have a total suspended solids (TSS) Removable Rate of 50%. The removal rate goal of TSS is 80%. The base equivalent residential unit, ERU, is 3,350 and the base rate charge is \$3.00/ERU and maximum water quality credit for a property is 25% reduction.

The calculations would be:

$(150,000 \text{ sq ft} / 3,350 \text{ ERU}) (50\% \text{ Removal Rate} / 80\% \text{ TSS goal}) (.25 \text{ credit adjustment}) (\$3.00 \text{ ERU base})$
 $44.78 \text{ ERUs} * .625 \text{ Removal Rate} * .25 \text{ credit adjustment} * \$3.00 \text{ ERU}) = \mathbf{\$20.99}$ user fee reduction per month

Water Quantity credits= \$94.02/Month

Water Quality credits= \$20.99/Month

Total property credits= 115.01/Month

Original user fee was \$268.65/month – 115.01/month= \$153.64 final monthly fee

Education Credit

An education credit may be available to all public and private schools or school systems with 200 or more students that agree to teach an approved environmental science curriculum (developed by City of Franklin Engineering). The **educational credit may be up to twenty five percent (25%)** of the user fee charge applicable to a school property, and is proportional to the percent of students taught. All credit requests will be handled on a case-by-case basis.

The **Director of Schools** should certify, annually to the Stormwater Management Coordinator, before July 1 each year, the extent to which the curriculum was taught during the school year just ended. The program must apply in writing and certify how many students attended the school and what proportion of the students in each grade took the curriculum.

Education credits may be taken in conjunction with any other credit available under this section except that maximum credits for all quality control, quantity reduction, and education measures should not exceed seventy-five percent (75%).

Example: 50% of the students of XYZ school were taught the “After the Storm” curriculum for 1 week
 $25\% \times 50\% = 13\%$ credit.

NPDES Permitted Facilities

Facilities with a Stormwater Permit on file with Tennessee Department of Environment and Conservation in conjunction with an NPDES Permit for Stormwater Discharges Associated with Industrial Activity may be eligible for a stormwater management credit for Stormwater User Fees. In order to qualify for the credit, property owners must provide a copy of the NPDES Industrial Storm Water Discharge Permit and required reporting information along with their application. Ongoing Visual Inspection Reports are required to receive the credit. The property owner must re-certify each year, by **July 1**, by providing the Director of Engineering the most current Visual Inspection Report. The credit for a property is 10% reduction in stormwater user fee.

Stormwater Facility Operation & Maintenance

Nonresidential customers that receive credit for structural quantity and/or quality controls as described above must keep the facility properly maintained. Customers shall maintain the facilities to standards established by the City, shall document all operation/maintenance activities, and shall provide the Director of Engineering with an operation and maintenance report on an annual basis (by July 1st each year). The site must have and follow a Long Term Maintenance Plan with Inspection/Maintenance Schedule along with a notarized and recorded Inspection And Maintenance Agreement Of Private Stormwater Management Facilities. (You can find these document on the city web site <http://www.franklin-gov.com/stormwater.aspx> or at the city of Franklin Engineering Office).

The Long Term Maintenance Plan must include:

- Description and locations of stormwater systems to be inspected.
- Schedule of inspection and the techniques used to inspect and maintain the systems to ensure that they are functioning properly as designed.
- Person(s) and phone number(s) of who will be responsible for inspection and maintenance.
- Provisions for appropriate access and maintenance easements.

Any credit allowed against the user fee is conditioned by continuing compliance with the City's design and performance standards as stated in the Franklin Stormwater Management Credit and Appeal Manual and/or upon continuing provision of the systems, facilities, service and activities provided, operated and maintenance by the property owner or owners upon which the credit is based. The City may revoke a credit at any time for non-compliance.

Appeals

Director of Engineering

Anyone who disagrees with the calculation of the stormwater user fee or credit review determination may appeal such determination to the Director of Engineering.

The Director of Engineering will conduct a review of the appeal and provide a written response within thirty (30) days. All decisions of the Director of Engineering will be in writing and sent to the billing address of the appellant.

Stormwater Appeals Board

A decision of the Director of Engineering may be further appealed to the **Stormwater Appeals Board (Transportation Committee or successor)**, within thirty (30) days of the date of notice of the decision, by filing a written request for hearing using **PETITION TO APPEAL Form No. 3**.

The request for hearing by the **Stormwater Appeals Board** shall state the specific reasons why the decision of the Director of Engineering is alleged to be in error, and shall be accompanied by a bond in the amount of five hundred dollars (**\$500.00**) with sufficient surety to secure the costs of the appeal, including the cost of court reporters, transcripts, plan reviews and other costs. The **Stormwater Appeals Board** shall make its findings within five (5) business days after the appeal hearing. The decisions of the committee are final and conclusive, but may be reviewed through the appropriate court actions.

As part of appeals board submittal, the utility customer shall set forth in full (or attach a complete copy of) the following: 1) the interpretation, ruling, or order requesting appeal from; and 2) the provisions of the City Code or related laws or ordinances. The complainant shall also state where the interpretation, ruling or order is erroneous. If the appeal is based on a request for an adjustment or credit, the petition shall specify the provision(s) from which the adjustment or credit is sought, and how the request otherwise satisfies, and does not significantly conflict with the other requirements of this manual and the applicable City Codes, related laws or ordinances.

Send Application Forms to:

City of Franklin Tennessee
Engineering Department
Attn: Stormwater Coordinator
City Hall Mall
109 3rd Ave. South
P. O. Box 305
Franklin, TN 37065

Make Checks Payable to: City Franklin

For Questions Regarding the Credit Application, Contact:

Don Green
Stormwater Coordinator

APPENDIX A

Credit Application Forms

Instructions:

Fill Out these form completely. A separate application must be made for each separate property location. One application can be made for multiple stormwater detention/retention facilities to be inspected on the same property. Attach a separate sheet giving detention/retention facility location and description for each additional *facility* on the same property for which you are requesting inspection. Please insure all detention/retention facilities are in a proper state of repair and maintained.

FORM NO. 1
CITY OF FRANKLIN, TENNESSEE
STORMWATER MANAGEMENT UTILITY
RESIDENTIAL ERU ADJUSTMENT

Control Number

PLEASE PRINT

* Property Owner: _____ Date _____

Contact Person (if different from owner) _____

Mailing Address: _____

Service Address from utility bill: _____

Parcel No.(s) from utility bill: _____

Phone: (_____) _____ (_____) _____

From utility bill: ERUs _____ Account Number _____

*Must match owner name in Assessor's parcel database

TYPE OF RESIDENTIAL UNIT (CHECK APPROPRIATE BOX):

Single Family Duplex Multi-family Other _____

REASON FOR ERU ADJUSTMENT:

Single family home billed more than 1 ERU.

Duplex unit being billed more than 2 ERUs.

Single family home being billed in wrong tier level.

Other, explain

Owner Certification

I certify that the information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement. I further understand that the credit determination will be based on the information provided and a later determination that the information provided was inaccurate may result in loss of the credit.

Signature of Owner

Date

APPLICATION REVIEWED BY:

APPLICATION APPROVED: Yes No

COMMENTS: _____

FORM NO. 3
CITY OF FRANKLIN TENNESSEE
STORMWATER MANAGEMENT UTILITY
PETITION TO APPEAL

Control Number

PLEASE PRINT

* Property Owner: _____ Date _____

Contact Person (if different from owner) _____

Mailing Address: _____

Service Address from Utility Bill: _____

Parcel ID No.(s): _____

Phone: (_____) _____ (_____) _____

From Utility bill: ERUs _____ Account Number _____

*Must match owner name in Assessor's parcel database

TYPE OF DEVELOPMENT (Check one) Residential Non-residential

Application Fee (\$500.00) (will be reimbursed if Full Appeal is upheld)

REASON FOR APPEAL: (State where a City ruling, interpretation, or order is erroneous and attach a copy of said ruling, interpretation or order from the City, or specify City provision or applicable City Code exemption):

The Appeal has been reviewed by the City of Franklin Stormwater Appeals Board on _____, _____ 20____
On this date, The Stormwater Appeals Board

Approved Denied the requested appeal. Comments or conditions:

FORM NO. 2
CITY OF FRANKLIN, TENNESSEE
STORMWATER MANAGEMENT UTILITY
NON-RESIDENTIAL ERU ADJUSTMENT

Control Number

PLEASE PRINT

* Property Owner: _____ Date _____
 Contact Person (if different from owner) _____
 Mailing Address: _____
 Service Address: from bill: _____
 Parcel ID No.(s): from bill: _____
 Phone: (_____) _____ (_____) _____
 From Utility bill: ERUs _____ Account Number: _____

*Must match owner name in Assessor's parcel database

TYPE OF DEVELOPMENT:

PARCEL AREA (square feet):

REASON FOR ERU ADJUSTMENT:

- CONDITION 1 Incorrect amount of impervious area
 CONDITION 2 Gravel areas not used for regular vehicular traffic (ingress/egress or parking) calculated as impervious area on utility bill
 Other, explain: _____

Owner Certification

I certify that the information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement. I further understand that the credit determination will be based on the information provided and a later determination that the information provided was inaccurate may result in loss of the credit.

 Signature of Owner _____
 Date

If Condition 1 is checked, complete the following: Property Impervious Area _____ (sq ft) Revised Number of ERUS ⁽¹⁾ _____	If Condition 2 is checked, complete the following: Non-vehicular Gravel Area _____ (sq ft) Revised Number of ERUS ⁽²⁾ _____
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Explain how new numbers were calculated, i.e., Certification by Professional Engineer, etc.:

APPLICATION REVIEWED BY: _____ DATE: _____

APPLICATION APPROVED: Yes No

CONDITIONS OF APPROVAL OR REASON FOR DENIAL AND COMMENTS:

⁽¹⁾ Revised number of ERUs = Property's sq. ft. impervious area divided by 3,350 sq ft.
⁽²⁾ Revised number of ERUs = Billed number of ERUs – (Non-vehicular gravel sq. ft. area divided by 3,350 sq. ft.)

FORM NO. 4
CITY OF FRANKLIN, TENNESSEE
STORMWATER MANAGEMENT UTILITY
CREDIT ADJUSTMENT

Control Number

PLEASE PRINT

* Property Owner: _____ DATE _____

Contact Person (if different from owner) _____

Mailing Address: _____

Service Address from bill: _____

Parcel ID No.(s) from bill: _____ Parcel Sq ft _____

Phone: (_____) _____ (_____) _____

_____ ERUs, from Utility bill

*Must match owner name in Assessor's parcel database

TYPE OF DEVELOPMENT	ASSESSED ERUs
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Check if Attachments are included:

<input type="checkbox"/>	As-Built Drawings	(water quality and quantity)
<input type="checkbox"/>	Location Map	(water quality and quantity)
<input type="checkbox"/>	Site Photographs	(water quality and quantity)
<input type="checkbox"/>	Description of Stormwater Management Structure with Plans/drawings of existing Management Facility (*Include below where applicable)	
<input type="checkbox"/>	<i>*Pre-development and Post-development Calculations for the 2, 10, 25, 50 and 100 year Design Storms</i>	
<input type="checkbox"/>	<i>*Routing Calculations through the Facility or Control for the 2, 10, 25, 50 and 100 year Design Storms</i>	
<input type="checkbox"/>	<i>*Total Storage Volume of Facility or Control</i>	
<input type="checkbox"/>	<i>*Principal Outlet Size, Type and Rating</i>	
<input type="checkbox"/>	<i>*Emergency Spillway Size, Type, Configuration and Rating</i>	
<input type="checkbox"/>	Condition Rating of Facility or Control by Owner (e.g., good, fair or poor)	(water quality and quantity)
<input type="checkbox"/>	Inspection and Maintenance Agreement (recorded), Plan, Schedule and records	
<input type="checkbox"/>	Drainage area Maps	(water quality and quantity)
<input type="checkbox"/>	Application Fee (\$100.00)	(water quality and quantity)
<input type="checkbox"/>	Watershed breaks across the property and layout of impervious surface areas	
<input type="checkbox"/>	Submitted SWPPP and latest inspection reports	(only for NPDES Permitted)
<input type="checkbox"/>	Engineer Certification I certify that the "As-Built Plans" are an accurate representation of the subject storm water facility or control and that the required calculations have been performed in compliance with the City Zoning Ordinance. Certification by Professional Engineer: _____ Registration No: _____ Company: _____ Phone(s):() _____	

SUMMARIZE BELOW BASIS FOR APPLICATION FOR STORMWATER UTILITY FEE ADJUSTMENT:

APPLICATION REVIEWED BY: _____ DATE: _____

APPLICATION APPROVED: Yes No Fee Reduction (%) _____

CONDITIONS OF APPROVAL OR REASON FOR DENIAL AND COMMENTS:

