



# Stormwater User Fee Credit Manual

Adopted by the Town of St. Albans Selectboard on January 4<sup>th</sup>, 2021

Town of St. Albans  
Stormwater User Fee Credit Manual

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## SECTION 1.0 INTRODUCTION:

On September 21, 2020, the Selectboard for the Town of St. Albans established the Town of St. Albans Stormwater Utility by passing the Town of St. Albans Stormwater Utility Ordinance. The Ordinance establishes a utility that allows for the collection of user fees<sup>1</sup> for a strengthened storm water program that is designed to adequately address administrative and planning functions, infrastructure maintenance and repair, education and outreach, and capital improvements.

The user fee provides a stable, equitable, and adequate source of revenue for the Town's **stormwater** management program that allocates the costs of stormwater services equitably across every stormwater user in the Town through a stormwater utility user fee. **Impervious surfaces** are the basis of the fee charged to property and/or parcel owners. The stormwater fee that a property or parcel owner pays is directly proportional to the impervious surface area located on their property or parcel. For those properties or parcels that have no impervious surface, the owners shall pay a minimum user fee as defined in the "Town of St. Albans Stormwater Utility Ordinance".

The Town of St. Albans Stormwater Utility offers credits against the stormwater fee for property or parcel owners who undertake specific, approved actions that reduce the impact of stormwater runoff into the public stormwater system, or provide ongoing public benefit related to stormwater management. A **credit** is an on-going reduction in a property or parcel's calculated stormwater fee but is subject to audit from the Stormwater Utility from time to time.

To qualify for any of the user fee credits, the property or parcel owner must fill out a credit application and submit it to the Stormwater Utility. The application will be evaluated to

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<sup>1</sup> Town of St. Albans Stormwater Utility Ordinance, passed on September 21, 2020. Section 11.1 Establishment of Stormwater User Fees

(a) A user fee based on an Equivalent Residential Unit (ERU) shall be imposed on all properties or parcels. An ERU shall equal that square footage that represents the average of the area of impervious surface for all single-family properties in the Town. The Selectboard shall, by resolution, establish the square footage that constitutes one (1) ERU on a periodic basis. (b) The Town Selectboard shall have the authority to set and modify the user fee rates, so that the total revenue generated by said charges, and any other sources of revenue, shall be sufficient to fund the Town's stormwater program. (c) The Town Selectboard shall establish by resolution the annual rate for each ERU. The annual user fee for a specific property or parcel is determined by multiplying the rate per ERU times the number of ERUs allocated to the property or parcel. (d) All properties or parcels will be attributed at least one (1) ERU and receive a stormwater bill, including vacant or undeveloped parcels, tax-exempt parcels, and those properties having less impervious surface than one (1) ERU. The only properties that will not receive a bill are commonly owned parcels within residential developments whereby the impervious surfaces have been accounted for in the overall calculation of an ERU, mobile home owners within an established mobile home park as impervious surfaces within mobile home parks are to be directly assessed to the park owner, and those properties whereby the owner cannot be easily determined and that the efforts to do so create an unreasonable and disproportionate burden to the utility and its rate payers in relationship to the overall public benefit.(e) There are no exempt properties under this Section.

determine the amount of credit using the “Stormwater User Fee Credit Manual”. **Single family residential properties** as defined in the “Town of St. Albans Stormwater Utility Ordinance”, and vacant or undeveloped properties or parcels are not eligible to receive credits. All other property or parcel owners are eligible for credits regardless of whether they have a valid state stormwater, MS4, or TS4 permit. Eligibility for user fee credits is independent of the State stormwater permitting process. Multiple credits can be given to eligible properties. The total credit given to any property shall not exceed 50% of the stormwater user fee for that property, and in no event shall a property pay a stormwater fee less than the fee assessed for single family residential properties. The exception to this is the Vermont Agency of Transportation whose maximum credit is 35%.

## **SECTION 2.0 DEFINITIONS & ACRONYMS:**

### **2.1 – Defined Terms**

**“Best Management Practices, or (BMPs)”**: A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution.

**“Credit”**: An ongoing reduction in a property’s normally calculated stormwater fee given for certain qualifying activities that reduce the impact increased stormwater runoff resulting from development, or provide an ongoing public benefit related to stormwater management.

**“Eligible Property”**: properties eligible for stormwater fee credits are all non-single family residential properties.

**“Equivalent Residential Unit, or ERU”**: the square footage that represents the average of the area of impervious surface for all single-family properties in the Town of St. Albans. This is 3,500 square feet.

**“Impervious Surface”**: A manmade surfaces that cannot effectively infiltrate rainfall, such as but not limited to; paved and unpaved roads, rooftops, parking lots, walkways and driveways, compacted gravel or soil surfaces, including those created through agricultural activities, and other similar surfaces.

**“Municipal Separate Storm Sewer System (MS4)”**: A conveyance or system of conveyances (including roads with drainage systems, municipal or non-municipal streets, catch basins, curbs, gutters, manmade channels, or storm drains): (a) owned or operated by the Town of St. Albans or another designed MS4 entity that discharges to surface waters or ground water; (b) designed or used for collecting or conveying storm water; (c) which is not a combined sewer; and (d) which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR, Section 122.2

**“Non-Single Family Residential Property”**: Any single parcel of developed land with impervious surfaces that is not a single family residential property as defined herein. This includes but is not limited to, professional condominium developments, residential properties or parcels more than 3 units such as four-plexes and apartment buildings, not-for-profit properties or parcels, commercial or industrial properties or parcels, mobile home parks, educational institution sites, agricultural properties or parcels, public properties or parcels including

roadways, parks and recreation sites, parking lots and storage sites, and hospitals and nursing homes.

**“Property Owner”:** Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real-estate. The term “Property Owner” shall also include heirs, successors and assigns.

**“Single Family Residential Property”:** Detached single-family homes, duplexes and triplexes.

**“Stormwater”:** rainfall runoff, snowmelt runoff, surface runoff and general drainage related to a precipitation event.

**“Stormwater Treatment Practice (STP)”:** measures, either structural or non-structural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source stormwater pollution inputs to stormwater runoff and water bodies.

**“Transportation Separated Storm Sewer System (TS4)”:** Vermont Agency of Transportation owned or controlled state highways, sidewalks, multi-use pedestrian paths, welcome centers, airports, gravel pits, mineral mining facilities, maintenance facilities, park & rides, truck weigh stations, and other impervious surfaces, and Vermont Agency of Transportation owned facilities leased to third parties, except for rail lines, rail yards, public transit facilities, and rail trails.

## 2.2 – Acronyms

**ARMs** – State Agricultural Resource Management Specialist

**BMPs** – Best Management Practices

**CP<sub>v</sub>** – Channel Protection Treatment Criteria

**ERU** - Equivalent Residential Unit

**MS4** - Municipal Separate Storm Sewer System

**NOI** – Notice of Intent

**NPDES** - [National Pollutant Discharge Elimination System](#)

**Q<sub>P10</sub>** – Overbank Flood Treatment Criteria

**Q<sub>P100</sub>** – Extreme Storm Flood Treatment Criteria

**RAPs** – [State of Vermont’s Required Agricultural Practices](#)

**REV** – Groundwater Recharge Treatment Criteria

**STP** – Standard Treatment Practice

**TS4** – Transportation Separated Storm Sewer System

**VSM** – [Vermont Stormwater Management Manual](#)

## **SECTION 3.0 CREDIT POLICIES & INSTRUCTIONS:**

### **3.1 – General**

Credit is given to **eligible property** or parcel owners only, as described in this manual. Credits will remain in effect as long as the property or parcel is eligible as per the credit descriptions defined herein, and remain in compliance in accordance with the requirements of this credit manual.

Multiple credits can be given to eligible properties or parcels. The total credit any given property or parcel cannot exceed 50% of the stormwater fee for that property or parcel, and at no time will a property or parcel owner eligible for credits pay less than the fee assessed for single family residential properties.

It is the responsibility of the property or parcel owner to apply for stormwater credits and provide the necessary information with the credit application. All proposed **Best Management Practices, (BMP's)** including engineering calculations, drawings, and inspection reports required by the application must be prepared and stamped by a Vermont Licensed Professional Engineer. All applications and required information are to be submitted to the Stormwater Utility. All questions related to credits and credit applications should be directed to the Stormwater Coordinator. Town Staff is not responsible for initiating, performing engineering calculations, or otherwise assisting with the preparation of credit applications. All approvals, denials, or revocation of stormwater credits shall be made by the Stormwater Coordinator.

Credit applications are available from the Stormwater Utility and will only be reviewed if they are filled out completely. The review will take place within four (4) weeks after the complete application is submitted. Applications for a credit for new construction may be submitted once the best management practice (BMP) is in place. If credit applications are approved at least two months before an applicant's next regularly scheduled bill. If a credit application is not approved, the application will be notified by certified US Mail and email (if provided).

Credits may be awarded retroactively for one (1) year after the date of the initiation of the stormwater user fee. Thereafter, credits shall be applied to user fees on the next billing period after the completed credit application is approved. Otherwise, credits will not be applied retroactively and the Stormwater Utility will not refund any portion of the stormwater fees paid prior to the approval of the applicant's credit application.

### **3.2 Compliance**

The Stormwater Utility will, at its discretion, undertake a periodic visual inspection of the BMP's being utilized for credit. If the BMP facility is not functional or is not being adequately

maintained, the credit will be voided on subsequent billing cycles. The Stormwater Coordinator may revoke a credit at any time for non-compliance by providing thirty (30) days written notice of a non-complying condition and intent to revoke the credit to the property or parcel owner. If the non-compliance is not cured within the 30 day period, the Stormwater Coordinator shall eliminate the credit. The property or parcel owner will have to reapply for credit as outlined in this manual.

Properties or parcels that have been issued storm water credits will be required to submit compliance statements every two (2) years from the date of credit issuance. The Stormwater Coordinator may revoke a credit for failure to submit this compliance statement by providing thirty (30) days written notice to the property or parcel owner. If the non-compliance is not cured within the 30 day period, the Stormwater Coordinator shall eliminate the credit. The property or parcel owner will have to reapply for credit as outlined in this manual.

## **SECTION 4.0 CREDIT CATEGORIES AND DESCRIPTIONS:**

### **4.1 – Stormwater Treatment Practice (STP) Credit**

A STP credit is available to eligible properties that design, construct and maintain Stormwater Treatment Practices that meet the treatment standards, sizing criteria, and/or non-structural criteria and restrictions contained in the [Vermont Stormwater Management Manual](#), as amended.

The STP credit shall be based on the treatment standards that are implemented on a **non-single family residential property**. A property or parcel can implement one or more of the treatment standards, and receive a credit up to, but not exceeding, 50% of the stormwater fee for the property or parcel. STP credits will only be applied to that portion of a property or parcel served by a stormwater treatment practice.

Property or parcel owners that construct and maintain STP's that control stormwater from off-site properties (i.e. "off-site" from the property from which the STP is located") are eligible to receive STP credits for the control of stormwater from the off-site properties, up to a maximum of 50% of the total stormwater fees for these off-site properties. The credits for off-site properties will ONLY be applied to the stormwater fee assessed for the property on which the STP is located. The maximum credit that a property can receive shall never exceed 100% of the stormwater fee assessed for the property on which the STP is located. That is, the stormwater program will never under any circumstances provide a fee refund for unused STP credits for off-site properties. Additional credit will not be given for the control of stormwater runoff from offsite properties that are publicly owned.

Table 1 contains the available credit allocation for each treatment standard.

**Table 1. STP Credit Percentages**

Treatment Standard or Criteria	Credit Amount
Water Quality (WQ <sub>v</sub> )	15%
Groundwater Recharge (Re <sub>v</sub> )	15%
Channel Protection (CP <sub>v</sub> )	15%
Overbank Flood (Q <sub>P10</sub> ) or Extreme Storm (Q <sub>P100</sub> )	10%
Non-structural Practices	10%

Properties or parcels that qualify for waivers of the Groundwater Recharge, the Overbank Flood, or the Extreme Flood treatment standards are not eligible for the STP credit for the treatment standard that has been waived. For those properties or parcels that implement controls for both Qp10 and Qp100 treatment standards, a maximum of 10% credit is available for flood control STPs.

Credits are available when non-structural practices as defined within the [Vermont Stormwater Management Manual](#), (VSMM), are employed on a site allowing reductions in the required treatment volumes for water quality (WQ<sub>v</sub>) and recharge, (Re<sub>v</sub>). In general, all policies regarding STP credits apply to non-structural practices. Additional specific policies are as follows:

A maximum 10% credit will be available to non-single family residential properties that implement one (or more) of the following non-structural STPs. Credits for non-structural

practices will only be applied to that portion of a property or parcel served by the non-structural practice where applicable.

- Natural area conservation;
- Disconnect Rooftop Runoff and direct to a pervious area that provides for infiltration and/or filtering;
- Disconnect non-rooftop runoff to impervious surface areas and direct to pervious areas that provide for infiltration and/or filtering;
- Stream buffers;
- Grass channels;

Sufficient information must be provided to the Stormwater Utility to verify that the STPs and non-structural practices, as designed and constructed, will meet the treatment standards and criteria and/or restrictions as specified within the [Vermont Stormwater Management Manual](#), as amended.

All STPs and non-structural practices must be operated and maintained in proper condition at all times to control stormwater runoff to the treatment standards and criteria and/or restrictions as specified within the [Vermont Stormwater Management Manual](#), as amended. Failure of the applicant to meet these requirements will result in the discontinuance of the credit. At least thirty (30) days' notice of a non-complying condition and intent to revoke the credit shall be provided to the property or parcel owner allowing an opportunity to attain compliance. The Stormwater Coordinator may extend this notice period if deemed appropriate.

#### **4.2 – Municipal Separated Storm Sewer System (MS4) Credit**

A credit is available to non-single family residential properties that are identified by the State of Vermont as a traditional **municipal separate storm sewer system, (MS4)** that is required by the State of Vermont to comply with General Permit 3-9014, as amended (also called the MS4 permit). Eligible MS4 entities that are in compliance with their MS4 permit requirements can receive a 35% reduction in the total storm water fee assessed to their property or parcel. If the MS4 entity owns multiple properties or parcels and therefore receives multiple bills, the 35% credit will be applied to every fee assessed to the MS4 entity. The total credit provided to any property or parcel cannot exceed 50% of the storm water fee for that property or parcel.

MS4 credits are assessed during the year after applicable permit or regulation compliance has been achieved. The MS4 permit annual report must be submitted and approved by the Stormwater Coordinator in order for the MS4 entity to receive a 35% credit for the following year. To be considered for the MS4 credit, the MS4 entity must submit a completed application form to the Stormwater Utility. MS4 credit applicants must provide the documents listed below at the time that the credit application is submitted, and annually thereafter:

- The MS4's most recent Notice of Intent (NOI) for coverage under General Permit 3-9014. The NOI must be valid for the current permit period at the time the credit application is submitted.
- A copy of the MS4's most recent annual report.

### **4.3 – Transportation Separated Storm Sewer System (TS4) Credit**

A credit is available to non-single family residential properties that are identified by the State of Vermont as a transportation separate storm sewer system, (TS4) that is required by the State of Vermont to comply with General Permit 3-9007, as amended. Eligible TS4 entities that are in compliance with their TS4 permit requirements can receive a 35% reduction in the total storm water fee assessed to their property or parcel. If the TS4 entity owns multiple properties or parcels and therefore receives multiple bills, the 35% credit will be applied to every fee assessed to the TS4 entity. The total credit provided to any property or parcel cannot exceed 35% of the storm water fee for that property or parcel.

TS4 credits are assessed during the year after applicable permit or regulation compliance has been achieved. The TS4 permit annual report must be submitted and approved by the Stormwater Coordinator in order for the TS4 entity to receive a 35% credit for the following year. To be considered for the TS4 credit, the TS4 entity must submit a completed application form to the Stormwater Utility. TS4 credit applicants must provide the documents listed below at the time that the credit application is submitted, and annually thereafter:

- The TS4's most recent Notice of Intent (NOI) for coverage under General Permit 3- 9007. The NOI must be valid for the current permit period at the time the credit application is submitted.
- A copy of the TS4's most recent annual report.

### **4.4 - Stormwater Education Credit**

The Stormwater Education Credit is available to public and private schools that educate and inform their students about the importance of local surface and groundwater resources and how they can be protected. The Stormwater Coordinator will base their approval on the sufficiency of the educational program to meet the requirements stated in the [NPDES](#) Phase II MS4 Permit 3-9014, IV.H.1a.5.d, as follows:

Develop elementary, middle school, or high school education curricula regarding local stormwater concerns based on new or existing material; conduct teacher training. In each subsequent year maintain program information and hold at least one refresher teacher training course.

Approval of the credit application will result in a 10% credit to the assessed stormwater fee. The total credit available to any property or parcel cannot exceed 50% of the stormwater fee for that property or parcel.

Schools that are interested in obtaining the Education Credit must submit a completed application form to the Stormwater Utility. The form will require a description of the educational program, list of educational tools used, estimated number of students that will/have receive the education, the length of the educational program, and the schedule for providing refresher teacher training courses.

### **4.5 - Agricultural Credit**

The Agricultural Credit is available to all properties categorized as agricultural according to Town records. This credit is intended to recognize the efforts of the agricultural community and their implementation of the [State of Vermont's Required Agricultural Practices \(RAPs\)](#) which, ultimately, reduce the amount of runoff discharging from agricultural operations and enhances the overall quality of receiving water bodies. The Stormwater Coordinator will base their approval of this credit upon receipt of a completed Agricultural Credit Form proving compliance with RAPs.

- It is the responsibility of the property or parcel owner to contact a State Agricultural Resource Management Specialists (ARMS) to schedule an inspection.
- Approval of the credit application will result in a 35% credit to the assessed stormwater fee. The credit will only apply to the properties inspected and deemed to be in compliance by an ARMS.
- Current Resource Information:  
ARM Division General Number (802) 828-2431  
Water Quality Division Webpage:  
<http://agriculture.vermont.gov/water-quality>

#### **4.6 Incorporated Homeowners Property Credit**

A group of single-family residential properties that are represented by an incorporated homeowner's association may receive credit for eligible STPs and non-structural practices that are operated and maintained by the homeowner's association.

Credits issued to incorporated homeowner's associations for adequate STPs will be applied only to that portion of property or properties served by the STP. The credit can be applied to any common area within the neighborhood that receives a stormwater bill, or such credit can be proportionately allocated among all properties represented by the incorporated homeowner's association.

STPs owned by incorporated homeowner's association that are operated and maintained by the Town of St. Albans are not eligible for credits.

The Town of St. Albans will not maintain, repair, permit or do any work on any private stormwater system infrastructure except for residential stormwater systems that have been accepted by the Town.

In the event that a STP for a given property is not located on the property, the applicant must provide a copy of a record agreement between the applicant and the owner of the off-site STP stating that the applicant is responsible for maintaining all or a portion of the facility. In addition, the owner of the off-site parcel must provide a letter to the Stormwater Utility indicating that they are in agreement with the information contained in the application for credit.

### **SECTION 5.0 CREDIT APPLICATION PROCEDURE AND APPEALS**

#### **5.1 Application Procedure**

Credit applications must include hydrologic calculations and associated information demonstrating the stormwater treatment practice meets the technical criteria, design requirements, and/or applicable restrictions set forth as specified within the [Vermont Stormwater Management Manual](#), as amended.

Credit applications for non-structural practices must include site plans or other engineering documents that demonstrate that the non-structural practice complies with the “Minimum Criteria for Credit” set forth in the [Vermont Stormwater Management Manual](#), as amended.

All engineering calculations and drawings shall be prepared and stamped by a professional engineer registered in the State of Vermont.

Credit applications for new construction may be submitted to the Stormwater Utility at any time during the construction process. However, the credit will not be approved on site plans alone. The credit application requires that the stormwater treatment practices must be constructed, fully vegetated, and working in proper operating condition. The completed credit application should accompany the final plat for the site. The Stormwater Coordinator will issue a written decision regarding the credit application within 4 weeks of submittal.

A right-of-entry or easement, as applicable, must be granted to the Town in order for the town to review and approve the credit application, and to perform occasional visual inspections. Right-of-entry is granted via the applicant’s or property or parcel owner’s signature on the credit application.

If all requirements and conditions of this manual are met, the credit will be granted upon successful completion of the credit application process and favorable on-site inspection.

## **5.2 – APPEALS**

The Stormwater Coordinator’s determination to grant, deny, or revoke user fee credits in accordance with this manual may be appealed in writing to the Town of St. Albans Selectboard in accordance with the Town of St. Albans Stormwater Utility Ordinance.