

# Stormwater Policies and Procedures



CAPITAL REGION | WATER™

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## 1. Introduction

Capital Region Water (CRW) provides comprehensive Wastewater and Stormwater Services to the City of Harrisburg Pennsylvania (the City). Portions of the City are served by CRW's Combined Sewer System, designed to collect Wastewater and Stormwater in a single system of pipes designed to capture, convey, and treat all Wastewater during dry weather conditions and a portion of the combined Wastewater/Stormwater during wet weather conditions. The remainder of the City is served by separate CRW Sanitary Sewer Systems – designed to collect, convey, and treat all Wastewater – and Municipal Separate Stormwater Systems (MS4s) – designed to collect and convey Stormwater to Waters of this Commonwealth. In addition, CRW provides Wastewater Conveyance and Treatment Services to six municipalities – Lower Paxton Township, Paxtang Borough, Penbrook Borough, the City of Steelton, Susquehanna Township, and Swatara Township. The legal framework for the Wastewater and Stormwater Services provided by CRW is defined under Pennsylvania Statutes; National Pollutant Discharge Elimination System (NPDES) permits; a partial Consent Decree between CRW, the Commonwealth, and the federal government; and CRW's Wastewater and Stormwater Rules and Regulations adopted by the CRW Board on January 22, 2020 and effective February 1, 2020; including requirements to:

- Operate, maintain, construct, reconstruct, improve, and extend the CRW Sewer System and Municipal Separate Storm Sewer System (MS4),
- Regulate the rate, volume, and pollutant load of Wastewater and Stormwater from Properties within the City of Harrisburg to protect the CRW Sewer and MS4 Systems and the health, safety, and welfare of its Ratepayers.
- Improve the water quality and mitigate flooding within Waters of this Commonwealth.
- Establishes just and equitable rates, fees, and charges for the Wastewater and Stormwater Services provided by CRW.
- Provides the mechanisms for billing and payment, accounting for capital contributions, and establishing separate Wastewater and Stormwater Enterprise Funds.

This Stormwater Policies and Procedures Manual complements the CRW Rules and Regulations, establishing policies and procedures for the Capital Region Water (CRW) Stormwater Management Program in the following areas:

- Stormwater rate structures, including policies and procedures for determining impervious area (IA) and establishing the tier assignments.
- Billing and collection procedures, including procedures for matching parcels and their imperviousness to CRW Ratepayer accounts.
- CRW's stormwater credit policy, providing an application and approval process for credits offered by CRW for various stormwater management activities and facilities provided by its Ratepayers.
- An appeal process for resolving disputes in CRW's determination of Ratepayer fees, credits, delinquencies, and inadequate stormwater management practices.

The policies and procedures provided in this manual are intended to define intent; provide guidance; establish application, review, and appeal processes; and otherwise clarify the framework under which CRW provides these Stormwater Services. CRW's Stormwater Program is administered by CRW's Chief Executive Officer

(CEO), under the direction of CRW's Board. Administrative support for certain elements of these programs is provided by CRW's Chief Financial Officer (CFO), Director of Engineering, and Director of Wastewater Operations – coordinated by the City Beautiful H2O Program Manager.

## 2. Definitions

See CRW Wastewater and Stormwater Rules and Regulations for definitions. All words not defined shall be construed as defined in standard dictionary usage.

## 3. Stormwater Billing Policies

### 3.1 Impervious Area Measurements

An Impervious Surface is any surface that does not allow water to infiltrate into the ground. It may include but is not limited to building roofs and canopies; concrete and asphalt pavement; structural decks and patios built of wood, metal, natural stone, concrete, brick, or other paving materials; and gravel used for vehicular or pedestrian traffic and vehicle parking. Any surface composed of a permeable paving material installed in a manner and properly maintained under a maintenance agreement approved by CRW is not considered to be an Impervious Surface. The following procedures are used to measure the actual or representative Impervious Area (IA) associated with a Ratepayer:

- Use aerial photographs, supplemented as needed by surface measurements, to determine the area of Impervious Surfaces within a property, a portion of a property, or multiple properties owned, occupied, and/or used by the Ratepayer.
- Include an equitable share of any parking, sidewalks, patios, or common areas of properties occupied by multiple Ratepayers, using the methods defined in this Section or as otherwise approved by CRW.
- Public streets and sidewalks within the public right-of-way are not used in the calculation of the IA of a property for purposes of determining the Stormwater Service Fee associated with a Ratepayer.
- Access drives to individual properties shall be measured to the edge of the public right-of-way and used in the calculation of the IA for the property to determine the Stormwater Service Fee.
- When improvements are made to any property, the property owner/developer shall provide CRW the IA measurements (in square feet) for the completed project in order for that property to be accurately billed.

### 3.2 Definition of Residential vs. Other Ratepayer Classes

Residential properties include single family detached residential properties, multi-family residential properties, condominiums, and other dwellings as determined by the Dauphin County parcel land use code (see Table 1 below). All other property land use types not considered residential are defined as nonresidential.

**Table 1. Dauphin County Property Land Uses and Stormwater Bill Class (DC TAX LANDUSE CODES)**

Land Use	Land Use Description	Stormwater Bill Class
C01	OFFICE	Nonresidential
C02	STORE/RETAIL	Nonresidential
C03	SHOPPING CENTER	Nonresidential

Land Use	Land Use Description	Stormwater Bill Class
C04	STORE/OFFICE WITH APTS	Nonresidential
C05	MEDICAL OFFICE	Nonresidential
C06	FINANCIAL INSTITUTION	Nonresidential
C07	CONDOMINIUM OFFICE	Nonresidential
C08	RESTAURANT/TAVERN	Nonresidential
C09	FAST FOOD RESTAURANT	Nonresidential
C10	GAS STATION	Nonresidential
C11	COMM GARAGE/AUTO DEALER	Nonresidential
C12	LODGING FACILITY	Nonresidential
C13	PRIVATE EDUC FACILITY	Nonresidential
C14	MOBILE HOME PARK	Nonresidential
C15	PARKING LOT/GARAGE	Nonresidential
C16	COMMUNICATIONS FACILITY	Nonresidential
C17	PVT CARE/NURSING HOME	Nonresidential
C18	FUNERAL HOME	Nonresidential
C19	THEATRE	Nonresidential
C20	RACETRACK	Nonresidential
C21	TRUCK TERMINAL	Nonresidential
C22	WHSE/IND TO 10000 SQ FT	Nonresidential
C23	WHSE/IND TO 10-50000 SQ FT	Nonresidential
C24	WHSE/IND TO 50000-UP SQ FT	Nonresidential
C25	COMMERCIAL/INDUST MISC	Nonresidential
C26	DINER	Nonresidential
C27	CARWASH	Nonresidential
C28	LAUNDROMAT	Nonresidential
C29	HOSPITAL/CLINIC	Nonresidential
C30	UNUSABLE COMMERCIAL	Nonresidential
C31	ELECTRIC GENERATING CO	Nonresidential
C32	CELL/COMMUNICATION TOWER	Nonresidential
C33	TAX INCREMENT FINANCING OFFICE	Nonresidential
C34	TAX INCREMENT FINANCING SHOPPING CENTER	Nonresidential
E01	CHURCH EXEMPT	Nonresidential
E02	HOSPITAL/CLINIC EXEMPT	Nonresidential
E18	STATE/GOVT BLDGS EXEMPT	Nonresidential
E17	WASTE TREATMENT EXEMPT	Nonresidential
E16	POST OFFICE EXEMPT	Nonresidential
E15	AIRPORT EXEMPT	Nonresidential
E14	FAIRGROUND/HALL EXEMPT	Nonresidential
E13	RESIDENTIAL EXEMPT	Nonresidential
E12	PARK/RECREATION EXEMPT	Nonresidential
E11	LIBRARY EXEMPT	Nonresidential
E10	MISC EXEMPT	Nonresidential
E09	EXTENDED CARE EXEMPT	Nonresidential

Land Use	Land Use Description	Stormwater Bill Class
E08	MUNICIPAL EXEMPT	Nonresidential
E07	LEGION/VFW/CLUB EXEMPT	Nonresidential
E06	FIRE HOUSE EXEMPT	Nonresidential
E05	PARKING LOT EXEMPT	Nonresidential
E04	VACANT EXEMPT	Nonresidential
E03	EDUCATIONAL EXEMPT	Nonresidential
E19	DWELLING DISABLE VET	Residential
E20	CEMETERY	Nonresidential
E21	REDEVELOPMENT AUTHORITY	Nonresidential
E22	GROUP RESIDENCE	Residential
E23	EMERGENCY MEDICAL	Nonresidential
E24	HISTORIC SITE	Nonresidential
E25	COMMUNITY CENTER	Nonresidential
E26	MUNICIPAL WATER	Nonresidential
E27	STATE GAME LAND	Nonresidential
E28	RAILROAD RIGHT OF WAY	Nonresidential
L01	BLDG LOT UNDER 1 ACRE	Nonresidential
L02	BLDG LOT 1 TO 5 ACRES	Nonresidential
L03	BLDG LOT OVER 5 ACRES	Nonresidential
L04	RESIDENTIAL DEV LAND	Nonresidential
L05	COMMERCIAL LAND	Nonresidential
L06	INDUSTRIAL LAND	Nonresidential
L07	FARMLAND UNIMPROVED	Nonresidential
L08	FARMLAND WITH BUILDINGS	Nonresidential
L09	MOUNTAIN LAND/TIMBERLAND	Nonresidential
L10	QUARRY/MINERAL LANDS	Nonresidential
L11	LANDFILL	Nonresidential
L12	MISCELLANEOUS LAND	Nonresidential
L13	MOBILE HOME SITE	Nonresidential
L14	UNBUILDABLE LOT	Nonresidential
L15	PRD COMMON AREA	Nonresidential
L16	AIR RIGHTS	Nonresidential
P01	CABIN/COTTAGE	Nonresidential
P02	GOLF COURSE	Nonresidential
P03	CAMP SITES	Nonresidential
P04	RECREATIONAL PARKS	Nonresidential
P05	SWIM CLUBS	Nonresidential
P06	MARINA	Nonresidential
P07	INDOOR SPORTS FACILITY	Nonresidential
P08	MISC RECREATIONAL	Nonresidential
R01	1 STORY RESIDENCE	Residential
R02	1.5 STORY RESIDENCE	Residential
R03	2 STORY RESIDENCE	Residential

Land Use	Land Use Description	Stormwater Bill Class
R04	3 STORY RESIDENCE	Residential
R05	SPLIT LEVEL RESIDENCE	Residential
R06	BI LEVEL RESIDENCE	Residential
R07	CONDOMINIUM	Residential
R08	MODULAR RESIDENCE	Residential
R09	MOBILE HOME	Residential
R10	COUNTRY EST TO 10 ACRES	Residential
R11	APTS 4 OR LESS UNITS	Residential
R12	APTS 4 TO 10 UNITS	Residential
R13	APTS OVER 10 UNITS	Residential
R14	MISC RESIDENTIAL	Residential
R15	MULTIPLE DWELLINGS	Residential
R16	UNHABITABLE DWELLING	Residential
R17	GROUP RESIDENCE	Residential
R18	TIME SHARE CONDOMINIUM	Residential
U01	WATER COMPANY	Nonresidential
U02	GAS COMPANY	Nonresidential
U03	ELECTRIC COMPANY	Nonresidential
U04	TELEPHONE/TELEGRAPH COMPANY	Nonresidential
U05	OIL COMPANY	Nonresidential
U06	RAILROAD	Nonresidential
U07	MISC PUBLIC UTILITY	Nonresidential
U08	PIPELINE	Nonresidential

### 3.3 Aggregation of Properties for Stormwater Service Fee Calculations and Billing

Properties that are adjacent to each other and are owned, occupied, or otherwise used by a single person, organization, affiliation, or other ownership structure are aggregated together into a single account for Stormwater billing under the following circumstances: (1) as a courtesy to large ratepayers with multiple accounts and multiple parcels; and (2) where condo or townhome complexes are master-metered and individual residential or commercial parcels would otherwise be stormwater only accounts. Examples of properties that are grouped include adjacent single-family residential properties with common ownership, multiple properties within a single multi-family residential or condominium complex, and multiple adjacent properties owned/operated by single non-residential entity (e.g., office complexes, shopping centers,



**Example Multi-Family Property with Single Master Water Meter**



industries, institutions, etc.). CRW grouped properties based on the best available land use and ownership data. Only as a last resort were stormwater only accounts created and billed to the property owner. Ratepayers may request in writing the disaggregation of properties or may challenge an aggregation through the appeals process defined in Section 5.

## 3.4 Vacant Properties

Properties and property groups as defined under Section 3.3 are considered to be vacant properties if they contain less than four hundred (400) square feet of impervious area. There are approximately 2,400 residential and non-residential properties that have less than 400 square feet of impervious area.

## 3.5 Single-Family Residential Ratepayers

Single-family residential properties are segregated into the three tiers corresponding to low, medium, and high amounts of impervious area, as defined in Section 3.5 and illustrated in the photographs below. Tier assignments are based on computer-aided techniques for delineating the impervious area associated with each property. Ratepayers may challenge the assignment of their property(s) to a tier by providing photographic evidence, surface measurements, or other acceptable information demonstrating that the actual impervious area of their property's falls into a different tier.



**Tier 1 (550 sq. ft)**



**Tier 2 (1,064 sq. ft)**



**Tier 3 (5,178 sq. ft)**

## 3.6 Multi-Family Residential Ratepayers

The Stormwater Service Fee for a multi-family residential Ratepayer is based on the actual IA of the property, inclusive of all buildings, parking lots, walkways, common areas, and other impervious surfaces. In some cases, a multi-family complex may span multiple adjacent parcels, which are typically aggregated according to procedures in Section 3.3. If a single water meter serves the entire complex, the entire Stormwater Service Fee is assigned to that account. If individual units each have a water meter, then the total IA divided by the number of dwelling units in the complex. For example, if a complex contains 50,000 sq. ft. of IA and 10 dwelling units, then each unit is typically billed for 5,000 sq. ft. of impervious area. In more



**Example Multi-Family Property with Single Master Water Meter**

complex situations (e.g., complex contains a range of dwelling unit sizes, common areas billed to a separate water meter), CRW will determine an equitable method for allocating IA and review it with the property owner.

## 3.7 Non-Residential and Mixed-Use Residential/Non-Residential Properties

Stormwater Service Fees are charged to all developed non-residential and Mixed-Use Residential/Non-Residential properties based on their actual Impervious Area, including properties used for commercial, industrial, institutional, governmental, educational, and/or religious purposes, including all tax-exempt and non-tax-exempt properties within CRW's service area. Charges are billed to Ratepayer accounts receiving water service where possible. Impervious area may be aggregated per procedures in Section 3.3 and may be assigned to multiple accounts in the manner described in Section 3.6 for multi-family residential properties.

## 3.8 Public and Private Roadways

Public roads are defined as part of the MS4 or Combined Sewer System and excluded from the fee. In addition, certain parcels with public right-of-way that have parcel IDs ending in PDH, PHD, or ROW are not considered to be billable. Private roads and drives are considered part of the adjacent property, however, and their impervious area is included in the fee calculations described in the other sections.

# 4. Stormwater Credits

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## 4.1 Introduction

Ratepayer actions to manage stormwater runoff on-site, to manage off-site stormwater runoff, or to otherwise perform stormwater services that supplement those provided by CRW are eligible for stormwater credits that may reduce the Ratepayers Stormwater Service Fee up to 50 percent:

- Credits reduce a Ratepayer's fee for actions they take to reduce stormwater discharges from their Property and/or provide services "in lieu of" services provided by CRW. The credit amount that a property can receive typically varies by type and intensity of the action taken. Stormwater credits are earned as a result of the construction, operation, and maintenance of a Stormwater Management Practice that reduce a parcel's contribution of stormwater runoff and/or manages off-site stormwater runoff.

The credit amount that a Ratepayer can receive varies based on the specific qualifying conditions that significantly mitigate the effects of stormwater volume, rate, and pollution from a property. The criteria for determining the credit level is based on the type of facility, the volume of existing IA and off-site stormwater managed. Credits can only be granted for future Stormwater Service Fees following CRW approval of a fee credit form and are not retroactive. Final approval of all credits will be at the discretion of the CRW City Beautiful H2O Program Manager. This section establishes CRW's Stormwater Credit Policy and provides a process for owners to obtain such credits.

## 4.2 Credits Offered by CRW

CRW offers the stormwater credits listed in Table 2, including credits offered by the credit amount and a description of how the credit is applied. The maximum credit that can be obtained by a Ratepayer is 50 percent, since the programmatic elements included in CRW's revenue requirement to address MS4 and CSO compliance exceed 50 percent of the total. Additional credits may be offered for stormwater management facilities that provide control of off-site runoff.

The following credit options are provided:

**Table 2. Credits and Rebates Offered by CRW**

Description	Typical Credit or Incentive Amount	Description
Credit for downspout disconnection and redirection	10%	Existing downspout must be directly draining into a storm sewer and re-directed to a pervious area in a manner that retains runoff on the property and does not affect an adjoining property.
Peak / Rate Controls -10-year event = 10% credit -25-year event = 20% credit -50-year event = 30% credit -100-year event = 40% credit	10 to 40%	Amount of the credit based on BMPs employed and the impervious area managed. BMPs may include detention basins, infiltration basins, or constructed wetlands. Must be in accordance with CRW guidance and DEP Stormwater BMP manual.
Volume control credit/Stormwater Control Measures	50% Max	Amount of the credit based on BMPs employed and the impervious area managed. BMPs may include infiltration basins, raingardens/bio-retention basins, porous pavement, infiltration trenches, etc. Must be in accordance with CRW guidance and the DEP Stormwater BMP manual.
Credit for water quality improvements	25% Max	Amount of the credit based on BMPs employed and the impervious area managed. BMPs may include raingardens, bioretention facilities, constructed wetlands, porous pavement, green roofs, infiltration trenches, etc. Must be in accordance with CRW guidance and DEP Stormwater BMP manual.
Credit for education program	10 to 20%	10% credit for schools that provide stormwater education to 50-74% of the grade levels within the school. 20% credit for providing education for 75% to 100% of students.
Credit for Industrial and MS4 Permit Compliance	25-50% (Depends of Level Services)	For properties that have an industrial or MS4 permit and are in full compliance and provide CRW with a copy of the MS4 permit (properties subject to stormwater permits for construction activities are not eligible for this credit).



Ratepayers are provided with significant flexibility to implement Stormwater Management Practices and non-structural Stormwater Control Measures that will reduce stormwater rates, volumes, and pollutants to reduce flood risks and improve water quality.

- **Stormwater Management Practices** must be designed and maintained according to criteria in the Pennsylvania Stormwater BMP Manual and/or guidance provided by CRW and must be in addition to Stormwater Management Practices for new impervious surfaces required under CRW Rules and Regulations and/or a Pennsylvania stormwater permit.
- **Education Curriculum Credits** are offered to educational institutions that incorporate stormwater management into their learning curriculum under an inter-governmental agreement whereby CRW would be granted access to the property to implement stormwater mitigation measures, and the property owners would receive a reduction in their stormwater bills by allowing CRW to install and maintain these mitigation measures.

## 4.3 Credits Available for Downspout Disconnection and Redirection

Capital Region Water will grant a residential Ratepayers a 10 percent Credit if downspouts are disconnected and re-directed from directly discharging into a stream, channel, Stormwater Inlet, Stormwater conveyance pipe, driveway or other surface conveyance feature, including all IA. The amount of the Credit will be determined by the percent of downspouts re-directed or by the percent of the roof area discharged to re-directed downspouts. Re-directed downspouts should have a minimum of ten (10) feet of pervious land separation from the nearest down gradient Impervious Surface or adjacent property to qualify for Credit.

Capital Region Water will grant Ratepayers a 10 percent Credit if downspouts on the Property are properly connected to a rain barrel, cistern, or other approved containment device that meets the following requirements:

- Provides a minimum of 40 gallons of storage per downspout. If all downspouts are connected to rain barrels, then a maximum of a 10 percent Credit will be applied. If only half of the downspouts have rain barrels, then a 5 percent Credit will be applied (half of the total 10 percent Credit allowed). In lieu of counting the number of downspouts, the percentage of roof area captured can also be used to determine Credit amount.
- For non-single-family residential properties, Capital Region Water will review the use of containment devices and downspout redirection on an individual basis.

## 4.4 Stormwater Management Practices Eligible for Credits

One purpose of the Stormwater Management Program Fee Credits is to offer Owners a variety of tools that promote the design and construction of Green Stormwater Infrastructure. Green Stormwater Infrastructure includes a range of soil-water-plant systems that intercept Stormwater, infiltrate a portion of it into the ground, evaporate a portion of it into the air, and in some cases release a portion of it slowly back into the Combined Sewer or Stormwater system. Green Stormwater Infrastructure is designed to reduce and treat the Stormwater at its source, which differs from traditional gray infrastructure (conventional piped drainage) which is designed to move Stormwater away from the built environment. The Stormwater Credits Program affords Owners the opportunity to reduce their Stormwater Service Fee.

- Stormwater Management Practices that control for the rate, volume, or water quality of existing Stormwater generated on the Property and/or all off-site drainage onto the Property are eligible for Credit. Credits are not available for managing stormwater from new impervious areas, as defined under CRW Rules and Regulations and Pennsylvania stormwater permits, unless the BMP is designed to manage stormwater beyond the base land development requirements. A maximum 10 percent Credit each will be given to rate and volume BMPs, and a maximum 25 percent Credit will be given to water quality BMPs. The Credits can be cumulative to a maximum of 50 percent Credit if all three components are controlled. For example, a site that has Stormwater Management Practices in place to control rate, volume, and water quality would receive 10 percent (rate) + 10 percent (volume) + 25 percent (water quality) = 45 percent total Credit. Existing Stormwater Management Practices 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 existing IA controlled by the Stormwater Management Practices.
- Capital Region Water recognizes that the ultimate goal of the Stormwater Service Fee and Credit Policy is to improve the Combined Sewer and MS4 Systems and local and regional water quality. Therefore, Capital Region Water encourages Ratepayers to propose other means to improve their Property and our community through the use of innovative stormwater technologies. If a Capital Region Water Stormwater Ratepayer has an idea for a project that could be worth Stormwater Credits, Capital Region Water encourages the Ratepayer to submit the project idea under the Innovation Credit. The maximum Credit is 50 percent and will be dependent on the specifics of the idea and/or technology.
- **DISCLAIMER** – By submitting a Capital Region Water Stormwater Management Program Fee Credit Application pursuant to the Capital Region Water Stormwater Management Program Credits, 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 Stormwater Management Practices constructed, installed, or employed by the Property Owner. Capital Region Water shall not be responsible for or liable with respect to the Operation and Maintenance of any Stormwater Management Practice, or any damages arising therefrom. Property Owner and his heirs, grantees, successors, and assigns shall indemnify and hold harmless Capital Region Water, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorneys' fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the Stormwater Management Practice.

## 4.5 Educational Programs Eligible for Credits

It is the goal of Capital Region Water to strongly encourage both public and private educational systems (K-12) 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 the Waters of this Commonwealth. The following requirement must be met to receive a credit:

- 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 Capital Region Water. 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 Capital Region Water (Links to educational material are provided on Capital Region Water's website):

1. PSU Extension: Rain to Drain – Slow the Flow
  2. EPA NPDES Stormwater Outreach Materials and Reference Documents
  3. EPA Teacher Resources and Lesson Plans
  4. EPA Water Science and Technology for Students and Educators
  5. USGS Education Resources
  6. Soil Science Society of America: Soils 4 Teachers
- A school with more than 50 percent of its students enrolled in levels below Kindergarten (i.e. pre-K, pre-school, daycare, etc.) will only be eligible for an Education Credit up to 10 percent Credit. Eligible education institutions may be granted up to a 20 percent Credit based on the following criteria:
    1. Tier One Education Credit: A 10 percent Education Credit is available to a qualifying education institution which educates 50 percent to 74 percent of the Grade levels within the school or school system.
    2. Tier Two Education Credit: A 20 percent Education Credit is available to a qualifying education institution which educates 75 percent to 100 percent of the Grade levels within the school or school system.
  - Education Credits only apply to the IA associated with the teaching facility and associated infrastructure. For example, the Credits would be applied to a High School Building and its parking lot, but not to the School District Administrative offices that oversee the High School. Student living quarters, such as dorms, are also not eligible for Education Credits. Education Credits are valid for one (1) year but will be renewable each year the curriculum is taught.

## 4.6 Requirements for Other Eligible Credits

### **Credits for Industrial and MS4 Permit Compliance**

By complying with NPDES Industrial Stormwater Permit requirements for industrial facilities, participating Owners are assisting Capital Region Water by addressing Stormwater issues onsite. Any Property covered under a NPDES Industrial Stormwater Permit, and in compliance with all applicable requirements during the preceding twelve (12) months, is eligible for a 50 percent Credit for those portions of the Property covered under the NPDES Industrial Stormwater Permit. To be eligible for the Credit, Capital Region Water must be provided with a copy of the active NPDES Industrial Stormwater Permit and a copy of the Discharge Monitoring Report from the current year when the Credit Application is submitted.

A 50 percent Credit is available to those properties that have been identified by DEP as being required to obtain and comply with the terms of a MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and Capital Region Water must be provided a copy of the MS4 permit as well as copies of the annual reports.



## 4.7 Fee Credit Form and Review Process

To be eligible for a Credit, the Property must have at least 400 square feet of Impervious Area and there must not be any outstanding and unpaid Stormwater Service Fees, Wastewater Service Fees, or Water fees against the Property. Property Owners must submit the appropriate Credit Application along with any documentation required by Capital Region Water. All properties are potentially eligible for Credits. Note that Credit availability may be modified by Capital Region Water from time-to-time and corresponding changes will be made to Table 2, to the extent practicable.

- Credit Applications, using the Stormwater Management Program Fee Credit (Appendix B), must be submitted to Capital Region Water along with any documentation required by the application. Capital Region Water reserves the right to request additional supporting information if the provided information does not clearly support the requested type or amount of Credit. Capital Region Water will process fully completed Credit Form in a timely manner not-to-exceed sixty (60) days. If the Credit Form is found to be incomplete, it will be returned with the incomplete items highlighted. If the Credit Form is approved as-is, the Credit will be applied to the next billing cycle following approval. There is no fee associated with submitting a Credit Form.
- If the Credit Form is denied or if the Credit Form is approved with conditions or for a different Credit amount than what was requested, Capital Region Water will provide written notification that will include the reason for the decision and/or any supplemental conditions.
- If Capital Region Water cannot complete a review of a complete Credit Form within sixty (60) days, then the Credit Form will be temporarily approved pending a full review of the application. A temporarily approved Credit will be applied to the next billing cycle, but the Credit can be adjusted or revoked upon full review of the Credit Form.
- Upon completion of the full review, the Owner will receive written notification that will include the reason for the decision and/or any supplemental conditions. The Owner will not have to repay the difference between any temporarily approved Credits and the final approved Credits based on the full review of the Credit Form. If the Owner disagrees with Capital Region Water's decision, the Owner shall submit a written request to Capital Region Water for a meeting to discuss the decision. Capital Region Water will schedule a date and time for the meeting, as described in Section 5.
- A number of proposed Credits will require a pre-application meeting and/or a field review with Capital Region Water. All Non-Single-Family Residential Owners interested in installing a new Stormwater Management Practice or retrofitting an existing Stormwater Management Practice should submit the Pre-Application Meeting Request form provided in Appendix C to Capital Region Water. Capital Region Water will contact the Owner to schedule a mutually agreeable meeting date and time.
- All proposed Stormwater Management Practices shall comply with CRW's Rules and Regulations and the applicable design standards set forth in the Pennsylvania Stormwater Best Management Practices Manual and CRW's Design guidelines, 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.
- Owners may apply for one or more Credits, and the Credits will be cumulative up to a maximum Credit of 50 percent of that Property's Stormwater Service Fee. In no circumstance may a Credit or group of Credits

reduce the applicable Stormwater Service Fee to an amount that is less than 50 percent of the Stormwater Service Fee for that Property.

The Stormwater Service Fee for properties with approved Credits will be calculated as follows:

$$\text{Fees}_{\text{SWS}} = \text{Rate}_{\text{SWS}} * (\text{IA}_{\text{Rep}} / 1,000) * (1 - \text{Credits}_{\text{SWS}})$$

where:

$\text{Fees}_{\text{SWS}}$  = Monthly Stormwater Service fee on Ratepayer Bill (\$ per month)

$\text{Rate}_{\text{SWS}}$  = Monthly rate for Stormwater Services (\$ per month per 1,000 sq. ft.)

$\text{IA}_{\text{Rep}}$  = Representative impervious area associated with a Ratepayer (sq. ft.)

$\text{Credits}_{\text{SWS}}$  = Approved Stormwater Service Fee Credit (%)

## 4.8 Requirements for Continuation of a Credit

- Approved Credits will be valid for three (3) years, except when a term is explicitly noted otherwise. Credits will automatically be renewed based upon Credit conditions still being met, but the magnitude of the Credit may be altered based upon changes in Capital Region Water regulatory requirements or operating costs. Approved Credits will automatically expire when the Property changes ownership. Please note that although the Credits expire upon ownership change, any Operations and Maintenance Agreements, easements, and Access Agreements remain permanently in effect.
- New Owners will be required to submit a Continuation of Existing Credit for New Property Owners application form (Appendix D) to be eligible for the expired Credit. Reapplication for Credit continuance is required to (1) ensure that the Credit is still applicable to the Property, and (2) to ensure the new Owner fully understands the requirements of the Credit, including Operations and Maintenance procedures. All Credits will be reviewed at a minimum of every three (3) years and are subject to alteration or revocation at the discretion of Capital Region Water.
- Upon written notice, Capital Region Water, in its sole discretion, may revoke any previously approved Credit when the Owner has failed to meet the conditions of the Credit, the conditions of the Operation and Maintenance Agreement and/or has delinquent Stormwater Service fees, Wastewater Service fees, or Water fees. The Owner will be notified in writing of the reason for Credit termination and will be provided with the corrective measures required to have the Credit reinstated.
- Capital Region Water reserves the right to review all plans, materials, reports, and documentation for accuracy and inspect any installations or features for proper function related to the Credit program at any time. If, after review, the accompanying documentation is found to be inaccurate or incomplete, or upon inspection issues are discovered with the installation or operation of the BMP, or Operation and Maintenance Agreement, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The Owner must provide written documentation to Capital Region Water within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of Capital Region Water staff, the deficiency is not satisfactorily corrected, the Credit currently applied to the Property will be terminated, effective the following billing cycle.
- For all Non-Residential properties granted a Credit for Stormwater Management Practices, and Single-Family Residential properties granted a Credit through a Homeowner Association (HOA) sponsored Credit Application, the Owner or HOA must submit periodic Stormwater Management Practice Inspection Reports to Capital Region Water.

- The frequency of the Stormwater Management Facilities Inspection Report will be identified as a condition of the Credit. If the reporting requirements are not met, then the Credit will be suspended. The suspended Credit will not be reinstated until an acceptable BMP Inspection Report is submitted to Capital Region Water and the BMP which the Credit is being applied for is operating in a satisfactory manner. There is no fee associated with submitting a BMP Inspection Report.

## 5. Maintenance of Billing Data

The CRW CFO shall be responsible for maintaining the measurements of the impervious area, tier assignments, and approved credits based on data supplied by CRW, the City, the County, or by the property owner, tenant, or developer. The CRW CFO may require additional information as necessary to make the determination. The CRW CFO shall update the billing amount based on any additions to the impervious area as approved through the building permit process.

### 5.1 Changes in Owner, Occupant, or Land Use

A stormwater account remains active and chargeable regardless of owner/occupant status. Requests for Service by new tenants, owners, residents, or other persons or a request for discontinuation of Wastewater or Water service at an existing, developed property is handled by the CRW CFO in the following manner:

1. For a new request for service, the CFO will update the Wastewater and Stormwater billing system data file with the new Ratepayer's name, billing address, and other pertinent information; and check to ensure that the account is active and chargeable.
2. For an Occupant-Ratepayer moving out, the CFO will transfer the current customer information from the account and replace it with information regarding the owner of the property (unless a replacement tenant has already moved in).
3. A request to terminate service resulting from a demolition or other reduction in impervious area will follow the procedure outlined in Section 5.2.

### 5.2 Construction-Related Requests for Service

The Wastewater and Stormwater billing system data file shall be updated whenever the Property Owner or Occupant constructs new buildings/impervious area, demolishes existing buildings/impervious area, or remodels, improves, or changes the land use of existing developed property. Ratepayers are required to submit a Request for Service in association with requests for zoning changes, property splits/consolidations, building permits, demolition permits, development reviews, and Certificates of Occupancy. Requests for Service must contain sufficient information to determine the impervious area, tier assignment, and the corresponding monthly Wastewater and Stormwater Service Fee.

### 5.3 Periodic Review of Impervious Area Changes

CRW will periodically review recent aerial photographs to detect observable changes in impervious area that affect a Ratepayer bill. Impervious area measurements will be required of Ratepayers whenever the change



in impervious area exceeds the minimum impervious area accuracy threshold of 100 square feet. Below that threshold, linear polygonal features cannot be reliably measured because the resolution of source imagery is insufficient. Similarly, below a set dimension, called the minimum mapping unit, non-linear polygonal features cannot be measured reliably because of shadows or other data noise that may prevent accurate measurement. Four hundred (400) square feet is considered as the minimum residential and non-residential impervious area that triggers a Stormwater Service Fee.

## 5.4 Billing Data File Update

Receipt of Request for Service under Section 5.1 or new impervious area measurements under Section 5.2 initiates a change in stormwater billing, implemented during the following billing cycle. The CRW CFO is responsible for the assignment of impervious area to the new or revised Ratepayer Account and otherwise keeping the billing system data file current.

## 6. Appeals and Exemptions

### 6.1 Introduction

CRW has implemented a process to provide Ratepayers with the opportunity to appeal their Stormwater Service Fee calculation. The appeal could be related to the calculated amount of impervious area, parcel classification, tier assignment, credit approval, or the aggregation – disaggregation of stormwater charges among multiple accounts on a parcel. There are several reasons why a Ratepayer's appeal for a change to the Service Fee may be warranted. These reasons include:

- Incorrect Parcel. The customer does not own the parcel for which they are being billed. This may be due to an incorrect mailing address, recent property sale, or the water and sewer account is not associated with the correct parcel.
- Inaccurate Property Classification. Residential vs. non-residential classification or other.
- Inaccurate Impervious Area. The total impervious area being billed for the parcel is incorrect. This may be due to recent development or redevelopment activity not reflected on CRW's land cover data or portions of the parcel consisting of pervious gravel cover not reflected in CRW's land cover data.
- Aggregation – Disaggregation of Stormwater Fee among Multiple Water Accounts. When a parcel is served by multiple water accounts, CRW will compute a stormwater fee for the parcel and then allocate that fee equally among the accounts. However, a property owner may request a different allocation of impervious area for the stormwater charge.
- Credit Determination. A Ratepayer aggrieved by CRW's decision to award or terminate a credit may appeal as noted in Section 6.2.

### 6.2 Appeals Process

A Property Owner aggrieved by the CEO's decision may appeal the same to the Board of Appeals within 30 days of receipt of written notice from the CRW, provided that the written request for appeal is accompanied by documentation supporting Ratepayer's appeal (e.g., plans, materials, etc.) and any applicable fees.

## 6.3 Petitions for a Review and/or Adjustment

Within 90 days of the date of any assessment, a Ratepayer may file a petition for CEO in writing if the Ratepayer believes that the Property has been improperly identified, tiered, aggregated, or disaggregated; that the Fee has been calculated incorrectly; and/or to challenge a credit award/termination.

When submitting a petition for review and/or adjustment of the Fee as set forth above, the Ratepayer must include a detailed statement of the basis for the appeal and documents supporting the Ratepayer's assertion that the Property should be assigned to a different Tier, or that the impervious area measurements used to calculate the number of Base Units for the Property are incorrect. The appropriate forms are provided in Appendix A. The request will be acted on within 60 days.

If the CEO concludes that the petition for review and/or adjustment should be granted, CRW will adjust the Ratepayer's bill and refund any overpayment for the current levy year to the Ratepayer or apply a credit on the subsequent bill equal to the adjustment amount.

No appeals may be taken to the CRW Appeals Board unless and until a petition for review and/or adjustment has been filed with and ruled upon by the CEO.

## 6.4 Requests for Adjustments; Appeals

A Ratepayer may appeal any decision of the CEO in writing to the CRW Appeals Board, not later than 30 days after receipt of the CEO's denial in whole or part of the Ratepayer's petition for adjustments/reconsideration.

When submitting a petition for appeal of the assessment of the Fee as set forth above, the Ratepayer must include a detailed statement of the basis for the appeal. This statement shall document the Ratepayer's assertion that the Property should be assigned to a different Tier, that the impervious area measurements used to determine the Representative Impervious Area for the Property are incorrect, that the property was improperly aggregated/disaggregated, and/or that a credit was denied or terminated inappropriately. The petition for appeal must be accompanied by a non-refundable fee of two hundred dollars (\$200) for the handling of appeals.

If the CRW Appeals Board concludes that the appeal should be granted, CRW will adjust the Ratepayer's bill and refund any overpayment for the current levy year to the Ratepayer or apply a credit on the subsequent bill equal to the adjustment amount.

Any appeals from a decision of the CRW Appeals Board shall be made to the Court of Common Pleas of Dauphin County, Pennsylvania in accordance with the Local Agency Law of the Commonwealth of Pennsylvania.