

**NORTH CORNWALL TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 300

**AN ORDINANCE OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY,
PENNSYLVANIA ESTABLISHING A USER FEE FOR STORMWATER COLLECTION
AND MANAGEMENT.**

WHEREAS, North Cornwall Township has constructed and maintains a system of sewers, drains, basins, inlets, outfalls, and other infrastructure known as a Municipal Separate Storm Sewer System ("MS4") to collect and manage stormwater; and

WHEREAS, the existing Stormwater Management System requires maintenance, repairs, enhancements, and replacement to meet existing and future needs, including flooding concerns and water quality protection and improvement; and

WHEREAS, the Township holds a National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection ("DEP"); and

WHEREAS, the NPDES permit requires the Township to meet numerous requirements and regulations to comply with State and Federal law; and

WHEREAS, a professional engineering and financial analysis of Stormwater Management needs for the Township has been performed; and

WHEREAS, the Township finds it necessary to adopt a Stormwater Management Fee to defray the costs of complying with the NPDES program for MS4s and maintaining its stormwater system.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the North Cornwall Township Board of Supervisors:

Section 1. Title.

This Ordinance shall be known as the North Cornwall Township Stormwater Management Fee Ordinance.

Section 2. Authority.

- A. North Cornwall Township is a Second Class Township empowered by 53 Pa.C.S. § 67705 to assess reasonable and uniform fees for stormwater management activities and facilities.
- B. North Cornwall Township is empowered to regulate stormwater management activities and facilities by the authority of the Stormwater Management Act, 32 P.S. § 680.1 *et seq.*, and the Second Class Township Code, 53 P.S. § 35101 *et seq.*
- C. North Cornwall Township is also empowered to regulate land use activities that affect stormwater runoff and stormwater management systems by the authority of Pennsylvania's Municipalities Planning Code, 53 P.S. § 10101 *et seq.*

Section 3. Findings.

North Cornwall Township finds that:

- A. Inadequate development and maintenance of stormwater facilities increases stormwater runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases pollution of water resources.
- B. A comprehensive program of stormwater management, including the generation of funding to pay for effective stormwater best management practices, is fundamental to the public health, safety, and welfare and the protection of people of North Cornwall Township, their resources, and the environment.
- C. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Approaches to water management that protect, restore, and mimic natural water cycles have significant environmental, social, and economic benefits and should be encouraged.
- E. Federal and state regulations include requirements for municipalities to implement a program of stormwater controls.
- F. To (i) establish, operate, and maintain the stormwater infrastructure of North Cornwall Township, as well as all systems upon which the stormwater infrastructure depends, (ii) insure the effective operation of the stormwater

system through installation and management of best practices; and (iii) to provide services such as inspections, asset management, and regulatory oversight associated with stormwater management, sufficient and stable funding is required to fund these public services.

- G. North Cornwall Township intends to establish fair and equitable stormwater management fees to assure that each lot within the Township will pay its proportionate share of the costs of operation, maintenance, repair, administration, replacement, and improvement of all stormwater services provided or paid for by North Cornwall Township.
- H. A Stormwater Pollution Control Fee Rate Study was prepared by the Township's Professional Engineer and presented to the public at a public hearing held on November 14, 2017, and has been open and available to public comment and input.
- I. The Stormwater Pollution Control Fee Rate Study examined a number of models for determining a fee to be charged to property owners. The Study recommended the Equivalent Residential Unit (ERU) model as an appropriate method of calculating a fee for the Township's Stormwater Management Program. The following determinations were made:
 - a. A base fee per single family residential ("SFR") unit is reasonable.
 - b. The base fee can be derived from a statistical sampling of impervious surfaces on SFR properties in the Township.
 - c. All non-SFR properties can be charged a fee based upon the square footage of impervious area on the parcel. The impervious area is measured, and the fee is determined by dividing the impervious area on the parcel by the square footage for an ERU.

Section 4. Definitions.

BEST MANAGEMENT PRACTICES (BMPs): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of stormwater runoff from a developed parcel. BMPs eligible for credits are those structural BMPs listed in the Department of Environmental Protection's "BMP Effectiveness Values" document (publication number 3800-PM-BCW0100m, dated 5/2016, or latest version). Definitions for individual BMPs shall be as stated in the "BMP Description" column of the "BMP Effectiveness Values" document.

BOARD OF SUPERVISORS: The duly-elected governing body of North Cornwall Township, Lebanon County, Pennsylvania.

CREDIT: A Stormwater Management Fee reduction that a property owner receives for implementing and complying with the practices and policies adopted by North Cornwall Township.

DESIGN STANDARDS: Specifications, requirements, construction sequences, and other standards that must be met for an implemented BMP to receive credit. Design Standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

DEVELOPED PARCEL: A parcel altered from a natural state that contains impervious surface equal to or greater than 300 square feet.

EQUIVALENT RESIDENTIAL UNIT (ERU): The measure of impervious ground cover for a typical single-family detached residential property used in assessing fees for each parcel of property, and which is determined to be 3,981 square feet.

IMPERVIOUS SURFACE: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surface include all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt stone, or gravel, in accordance with section 202 of the Township's Stormwater Management Ordinance.

NON-SINGLE FAMILY RESIDENTIAL (NON-SFR) parcel: Any developed parcel not fitting the definition of single-family residential parcel, or not having a land use code of 101, 107, or 108 per data from the Lebanon County Assessment Office. Non-SFR parcels include, but are not limited to, multi-family houses, townhouses, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

OWNER: Any person, firm, corporation, individual, partnership, company, association, government agency, society or group owning real property in North Cornwall Township. Also may be referred to as "property owner" or "land owner".

SINGLE-FAMILY RESIDENTIAL (SFR) parcel: Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. An SFR parcel must have a land use code of 101, 107, or 108 per Lebanon County Assessment Office data.

STORMWATER: Runoff from precipitation, snow melt runoff and surface runoff and drainage.

STORMWATER MANAGEMENT COSTS: The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:

- (A) Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump and transport stormwater;
- (B) Provide flood protection;
- (C) Keep equipment and facilities including best management practices functioning satisfactorily and economically;
- (D) Administer the stormwater management program, including regulatory compliance; and
- (E) Improve North Cornwall Township's stormwater management system.

STORMWATER MANAGEMENT SYSTEM: The system of runoff avoidance, infiltration, collection and conveyance, including storm sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs, drains and all devices/appliances and Stormwater Best Management Practices (BMPs) and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating stormwater.

STORMWATER MANAGEMENT FEE: A fee to be collected from each developed land parcel in North Cornwall Township and used to defray the cost of the Township's stormwater management program.

TOWNSHIP: North Cornwall Township, Lebanon County, Pennsylvania.

Section 5. Imposition of Stormwater Management Fees.

- A. Each single-family residential (SFR) parcel shall be charged for one (1) ERU.
- B. The fee per ERU shall be an annual fee of \$60.00, with one (1) ERU being equal to 3,981 square feet.
- C. All other developed, non-SFR parcels shall be charged an annual fee calculated by dividing the total impervious area of the non-SFR parcel by the impervious area per ERU to determine the number of ERUs to assign to the parcel. ERUs shall be assigned to non-SFR parcels by rounding to the nearest whole number.

Example: A non-SFR property containing 56,508 square feet of impervious area would have the following ERUs assigned to it: $56,508 / 3,981 = 14.19 = 14$ ERUs.

- D. The Board of Supervisors may review the Stormwater Management Fees established by this Ordinance, and may modify the fees by Resolution as deemed necessary.

Section 6. Uniform Application of Stormwater Management Fees.

All fees shall be assessed, imposed, liened and collected as to all property, owners, lots, parcels, buildings, units, and users, unless exempted.

Section 7. Billing and Collection of Stormwater Management Fees.

- A. The Stormwater Management Fees fixed and established by this Ordinance shall be effective to all developed parcels in North Cornwall Township existing as of the effective date of this Ordinance, and shall be effective to all other properties meeting the definition of developed parcel, as defined in Section 4 of this Ordinance, at any time subsequent to the effective date of this Ordinance.
- B. North Cornwall Township shall create and maintain a dedicated stormwater account separate from all other accounts or funds. All stormwater management fees, and any penalties or interest on such fees, shall be deposited into that account, and shall be used solely for stormwater services and purposes, including operation, administration, maintenance, repair, and improvement of the stormwater management system.
- C. North Cornwall Township may bill property owners directly, or the Board of Supervisors may designate a third-party billing agent to issue invoices for stormwater management fees.
- D. Bills for stormwater management fees shall be issued on a regular periodic basis, not less regularly than annually.
- E. Bills for stormwater management fees shall be payable at their face amount during the thirty (30) day period following the date on which the bill was mailed.
- F. The stormwater management fees imposed and collected will not be subject to proration or refund by North Cornwall Township in the event a property is sold; provided, however, that this provision shall not bind a buyer and seller from making their own proration of any stormwater management fees imposed hereunder.

Section 8. Late Payment Penalties; Lien.

The face amount of all stormwater management fee charges shall be paid within thirty (30) days of the invoice date, with a penalty of ten percent (10%) assessed on the thirty-first (31st) day. All unpaid user charges shall be a lien against the property, and the Township Solicitor shall file such lien on or before December 31 of the year in which the account remains unpaid. Any legal fees, including attorney's fees, filing fees, and court costs, and any other fees related to the collection of the account shall be borne by the property owner.

Section 9. Stormwater Management Fees Constitute a Lien on Property.

In accordance with the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended, all stormwater management fees, penalties, interest, collection fees, attorney's fees, lien filing and satisfaction fees, and all other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property from the date the fees are imposed.

Section 10. Credits.

- A. Credits shall be available as described in the North Cornwall Township Stormwater Management Fee Credit Manual, attached hereto as Exhibit "A", and incorporated herein by reference.
- B. Property owners seeking to obtain credits must complete the Credit Application Form, attached hereto as Exhibit "B", and incorporated herein by reference.
- C. The annual credit cap shall be \$50,000 in the aggregate. Credits will be distributed on a first-come, first-served basis until the credit cap is reached.
- D. If a Credit Application is approved, the property owner will receive credit beginning with the next regular billing cycle.
- E. The Board of Supervisors may review the credit cap and Credit Manual established by this Ordinance, and may modify the amount of the credit cap or the Credit Manual by Resolution as deemed necessary.

Section 11. Appeals.

- A. Appeals must be expressed in writing and addressed to the Board of Supervisors for consideration. Appeals shall be submitted on the approved Appeal form, attached hereto as Exhibit "C". Detailed reasons for the appeal must be included with the Appeal form.

- B. Appeals must be filed at the Township office within thirty (30) days of the stormwater management fee invoice being mailed to the property owner. The Township may extend the appeal period by thirty (30) days at its discretion.
- C. Following receipt of the Appeal form, the Board of Supervisors will consider the appeal, perform a site visit if necessary, consult with the Township Engineer and Solicitor if necessary, and issue an acceptance or rejection of the appeal.
- D. The appeal shall be accepted or rejected by the Board of Supervisors within sixty (60) days of receipt by the Township. All decisions by the Board of Supervisors regarding such appeals shall be delivered by personal service or by certified mail sent to the billing address of the property owner.
- E. If the appeal is rejected, the property owner may appeal the decision to the Court of Common Pleas of Lebanon County within thirty (30) days of the date of the rejection of the appeal.
- F. If an appeal is not filed with the Court of Common Pleas of Lebanon County within thirty (30) days as set forth in Section 11.E. above, or if an appeal is not taken and payment is not made within thirty (30) days of receipt of a rejected appeal by the Board of Supervisors, the property shall be liened for all past-due amounts in accordance with the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 *et seq.*, as amended.

Section 12. Policies and Procedures Authorized.

- A. The Board of Supervisors may, by Resolution, adopt such policies and procedures as deemed appropriate to ensure collection of stormwater management fees assessed and imposed pursuant to this ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency, filing of municipal liens, and all other measures which the Board of Supervisors deem appropriate.
- B. All costs of collection procedures, including but not limited to legal fees, including attorney's fees, filing and satisfaction fees, court costs, administrative costs and engineering fees and costs, litigation expenses, charges for service of documents, and any other fees related to the collection of the account shall, upon being incurred by North Cornwall Township, be imposed as a charge for nonpayment and added to the balance due on the property owner's account.
- C. No lien shall be satisfied nor shall any collection proceeding be discontinued until all amounts due on an account, including stormwater management fees, interest, penalties, collection fees, attorney's fees, filing and satisfaction fees, court costs, administrative costs and engineering fees and costs, litigation

expenses, and charges for service of documents are paid in full to North Cornwall Township.

- D. The Board of Supervisors may implement such administrative procedures necessary to implement the policies and requirements set forth in this ordinance.

Section 13. Floods and Liability.

Floods from stormwater may occur occasionally that exceed the capacity of the stormwater system maintained and financed with stormwater fees. Nothing in this Ordinance shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this ordinance shall deem North Cornwall Township liable for any damages incurred from stormwater or from adverse water quality. Nothing in this ordinance purports to reduce or eliminate the need for flood insurance, and North Cornwall Township expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon North Cornwall Township, its officers, employees, and agents arising out of any alleged failure or breach of duty with respect to North Cornwall Township's stormwater management system.

Section 14. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 15. Severability.

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 16. Effective Date.

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of the Township of North Cornwall, County of Lebanon, Commonwealth of Pennsylvania.

This Ordinance, Ordained and enacted this 2nd day of January, 2018.

ATTEST:

NORTH CORNWALL TOWNSHIP
BOARD OF SUPERVISORS



Secretary



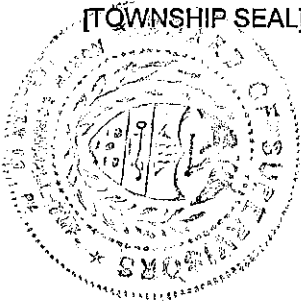
Chairman

Vice -Chairman



Treasurer

[TOWNSHIP SEAL]



**North Cornwall Township
Stormwater Management Fee
Credit Manual**

Introduction

Credits for qualifying stormwater Best Management Practices (BMPs) are a vital component of every stormwater fee structure. Act 62 of 2016 specifically states that "the Township shall consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the Township." Granting credits for the installation and maintenance of BMPs gives all property owners the incentive to install and maintain such BMPs on their own or permit the Township to install BMPs on the property. These BMPs reduce pollutants and improve the health of local waterways. The construction of many new privately-owned BMPs will be necessary in order to meet the stringent requirements for Pollutant Reduction Plans. Therefore, it is in the Township's best interest to incentivize the construction of privately-owned BMPs by granting credits on the stormwater management fee.

Owners of existing BMPs are also eligible for credits if the BMPs continue to be maintained. Owners of existing BMPs are permitted to apply for credits under this policy in the same manner as landowners who are planning future BMPs.

Disclaimer

By submitting a Stormwater Management Fee Credit Application, the property owner acknowledges and agrees that he/she and his/her heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all Best Management Practices ("BMPs") constructed, installed, or employed by the Property Owner. North Cornwall Township shall not be responsible or liable for the operation and maintenance of any BMP, or any damages arising therefrom. The property owner and his/her heirs, grantees, successors, and assigns shall indemnify and hold harmless North Cornwall Township, 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 BMP(s). The property owner will be required to record an Operation and Maintenance agreement in accordance with section 601 of North Cornwall Township's Stormwater Management Ordinance before credits are issued for any and all BMPs on the subject property.

Definitions:

Best Management Practice (BMP): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of stormwater runoff from a developed parcel. For the purposes of this credit policy, BMPs eligible for credits are those structural BMPs listed in the latest version of the Department of Environmental Protection's "BMP Effectiveness Values" document (publication number 3800-PM-BCW0100m, last revised 5/2016). Definitions for individual BMPs shall be as stated in the "BMP Description" column of the "BMP Effectiveness Values" document.

Credit: A Stormwater Management Fee reduction that a property owner receives for implementing and complying with the practices and policies contained in this Manual.

Design Standards: Specifications, requirements, construction sequences, and other standards that must be met in order for an implemented BMP to receive credit. Design standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

Developed Parcel: A parcel altered from a natural state that contains impervious surface(s) equal to or

greater than 300 square feet.

Equivalent Residential Unit (ERU): The measure of impervious ground cover for a typical single-family detached residential property used in assessing the fees for each parcel of property, and which has been determined to be 3,981 square feet.

Impervious Surface: A surface that prevents the infiltration of water into the ground. Impervious surfaces include all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt stone or gravel in accordance with section 202 of the Township's Stormwater Management Ordinance.

Non-Single Family Residential (non-SFR) parcel: Any developed parcel not fitting the definition of single-family residential parcel, or not having a land use code of 101, 107, or 108 per Lebanon County GIS Department data. Non-SFR parcels include, but are not limited to, multi-family houses, townhouses, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in North Cornwall Township. Also referred to as "property owner" or "land owner."

Single Family Residential (SFR) parcel: Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. A SFR parcel must have a land use code of 101, 107, or 108 per Lebanon County GIS Department data.

Stormwater: Runoff from precipitation, snow melt runoff and surface runoff and drainage.

Stormwater Management Fee: A fee to be collected from each developed parcel in North Cornwall Township and used to defray the cost of the Township's stormwater management program.

Application Procedure

Before applying for a credit, the account associated with the subject property must be current. The Stormwater Management Fee Credit Application Form included in this credit manual must be submitted along with all required information and attachments to North Cornwall Township in hard copy. Township staff or delegated agents will review the application to determine if it is administratively complete within thirty (30) days of receipt and will notify the applicant if the application has administrative deficiencies. Within sixty (60) days of determining that the application is administratively complete, Township staff or delegated agents will review the application to determine if the criteria for a credit are met, and will issue a recommendation for approval or denial to the Board of Supervisors. The Board of Supervisors will decide whether to approve or deny the credit at the next regularly scheduled meeting following the issuance of the recommendation. The decision to approve or deny the credit will be transmitted to the applicant in writing. If the credit application is approved, the property owner will receive the credit starting with the next billing cycle.

Design Standards

All credited BMPs shall comply with the design standards presented for that BMP in the Pennsylvania Stormwater Best Management Practices Manual and in North Cornwall Township's Stormwater Management Ordinance. All credited BMPs must, at a minimum, be able to treat the volume of stormwater directed to the BMP during the 2-year, 24-hour storm as calculated using the Soil Cover Complex Method and the specifications of section 503 of the Township's Stormwater Management Ordinance.

Best Management Practice Classifications

Best Management Practices (BMPs) are divided into two classifications, or tiers, in order to assess the BMP's pollution reduction capabilities. Tier I BMPs are those which provide minimal pollutant reductions and thus minimal benefits to the health of local streams. Two BMPs fall into this category: dry detention basins and filter strips for stormwater treatment. While only two BMPs are in this category, the overwhelming majority of BMPs in the ground at the present time are dry detention basins that were constructed before 2003. NPDES regulations began to become more stringent around 2003 and the use of purely dry detention basins began to fall out of favor with DEP and EPA. Still, there remain many basins constructed throughout the decades preceding 2003.

Tier II BMPs are those which provide greater pollutant reductions and thus greater benefits to local stream health. These BMPs are generally more complex than simple dry detention basins. With a few exceptions, the remainder of the BMPs listed in the "BMP Effectiveness Values" Document are Tier II BMPs. A full list of the BMP types eligible for Tier II credits is as follows:

- Wet Ponds and Wetlands
- Dry Extended Detention Basins
- Infiltration Practices with Sand and Vegetation
- Filtering Practices (Constructed Filters)
- Filter Strips for Runoff Reduction
- Bioretention/Rain Gardens
- Vegetated Open Channels
- Bioswales
- Pervious Pavement
- Stream Restorations
- Riparian Forest Buffers

Single-Family Residential Credit Policy

Properties designated as single-family residential (SFR) are eligible for credits for the implementation, operation, and maintenance of Tier I and Tier II BMPs.

- SFR properties may receive a 50% credit for the maintenance of an existing Tier I BMP that treats runoff from 75% of the property's impervious area OR off-site impervious areas of more than 10,000 square feet.
- SFR properties may receive a 100% credit for the maintenance of an existing Tier II BMP that treats runoff from 75% of the property's impervious area or off-site impervious areas of more

than 10,000 square feet OR the implementation of a new Tier II BMP that treats 75% or more of the property's impervious area.

The off-site considerations described above exist to cover BMP(s) located on one property that receive drainage from a larger development area. For example, if a landowner in a 10-lot residential development has a detention basin on his or her property that treats runoff from all 10 houses, the landowner with the detention basin would be eligible for a credit. The other nine homeowners in the development would not be eligible to receive a credit for the detention basin. The reasoning is simple: the owner of the lot on which the detention basin is located is the one responsible for the operation and maintenance of the BMP. The other nine landowners cannot execute an O&M agreement for the BMP and thus cannot ensure that the BMP functions correctly. The other nine landowners would be eligible to implement other low-cost BMPs on their properties in order to receive a credit.

In order to be eligible for a credit, BMPs located on a SFR property must meet all other criteria of this credit policy. SFR parcels which are granted a 50% credit will be charged for 0.5 ERU and parcels which are granted a 100% credit will not be charged under the stormwater management fee program.

Non-Single Family Residential Credit Policy

The credit policy for non-single family residential (non-SFR) parcels is more complex because of the large impervious areas typically constructed on these parcels. Instead of granting a blanket credit to the entire parcel for the implementation of a BMP, the credit given for a non-SFR parcel is based on the actual on-parcel impervious area treated by the BMP. The amount of credit earned (in terms of a percentage) is calculated using the following equation for non-SFR parcels:

$$(\text{Credit earned \%}) = (\text{Percent of parcel impervious area treated by BMP}) * (\text{BMP credit value})$$

The following notes apply to the above equation:

- BMP credit values for non-SFR parcels are 25% for Tier I BMPs and 50% for Tier II BMPs.
- Multiple BMPs may exist on the non-SFR parcel. In cases where multiple BMPs exist, a summation of the total credit earned may be computed by adding the individual credits earned by each BMP. The applicant must be careful to adjust the BMP credit value in cases where an impervious area is treated by more than one BMP, and must also be careful not to count the same impervious area in multiple individual BMP calculations.
- The maximum credit a non-SFR property can receive is 50%.

For example, a commercial establishment has a rain garden that receives drainage from 80% of the property's impervious area. The rain garden meets all the requirements of the PA Stormwater BMP manual, Township Stormwater Management Ordinance, and DEP's "BMP Effectiveness Values" document. Thus the rain garden is considered a Tier II BMP and is eligible for a 50% credit value. The calculation for the credit earned would be as follows:

$$\text{Credit earned} = 80\% \text{ of impervious area treated by the rain garden} * 50\% \text{ BMP credit value} = 40\%$$

In order to be eligible for a credit, BMPs located on a non-SFR property must meet all other criteria of this credit policy. The credit earned will be applied to the base number of ERUs charged to the non-SFR parcel and the new ERU count would be calculated according to the following equation:

(ERUs charged with credit applied) = (Base ERUs charged) * [1-(Credit earned %)]

The number of ERUs charged with the credit applied will be rounded to the nearest whole ERU. For example, if the non-SFR property mentioned above was charged for 18 base ERUs and received a 40% credit, the number of ERUs charged with the credit applied would be $18 * [1 - 40\%] = 10.8$ or 11 ERUs.

Special Note on Stream Restorations

Stream restorations are valuable BMPs that significantly reduce pollutants generated by the accelerated erosion of stream banks. However, there is the potential to do more harm than good when undertaking a stream bank restoration project, especially if the stream reach in question does not actually require restoration. Additionally, restoring a small reach or restoring only one side of the stream is not as effective as restoring long reaches (several hundred feet) of both sides of the stream. Many property owners only own a small reach of one side of the stream and therefore are not in a position to complete a successful stream restoration on their own. For these reason, property owners who wish to pursue streambank restorations are required to have a pre-application meeting with the Township to determine if the proposed streambank restoration project is eligible for a credit under this credit policy. The Board of Supervisors reserves the right to deny credits for any and all streambank restoration projects that were not granted prior approval by the Township.

Operation and Maintenance

All BMPs that receive credits in accordance with this credit policy must be operated and maintained in order to continue producing the expected pollutant reductions and to continue receiving credit under the policy. An Operation and Maintenance agreement consistent with that which is included in Appendix No. 8 of the Township's Stormwater Management Ordinance is required to be recorded in the Lebanon County Recorder of Deeds office before credit is approved under this policy.

All BMP facilities in North Cornwall Township are subject to inspections at the schedule proscribed in section 404.V.6.c of the Township's Stormwater Management Ordinance. If, during a Township inspection, it is found that the BMP is not being operated and maintained in accordance with the recorded agreement, the credit granted under this policy shall immediately be voided and the Township will commence with enforcement actions as described in section 608 of the Stormwater Management Ordinance.

Annual Credit Cap

North Cornwall Township has instituted an annual credit cap of \$50,000. Credits will be distributed on a first-come, first-served basis until the credit cap is reached. The Board of Supervisors may consider expanding the credit cap in future years if the demand for credits warrants an expansion. Credits do not expire unless the non-maintenance of a BMP warrants a voiding of the credit. There is no need for property owners to re-apply for a credit each year.

Exhibit "B"

**North Cornwall Township
Stormwater Management Fee
Credit Application Form**

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Email Address: _____

Mailing Address: _____

Address of the property which is the subject of this application: _____

- Property Classification: Single-Family Residential (SFR)
 Non-Single Family Residential (Non-SFR)

BMP Classification (check all that apply):

BMP descriptions may be found in the Department of Environmental Protection's "BMP Effectiveness Values" Document, publication number 3800-PM-BCW0100m. This document may be accessed at [http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-112621/3800-PM-BCW0100m%20BMP%20Effectiveness%20\(Final\).pdf](http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-112621/3800-PM-BCW0100m%20BMP%20Effectiveness%20(Final).pdf)

- Tier I BMPs: Dry Detention Basin
 Filter Strip for Stormwater Treatment
- Tier II BMPs: Wet Pond/Wetland
 Dry Extended Detention Basin
 Infiltration Practice with Sand and Vegetation
 Filtering Practice (Constructed Filters)
 Filter Strip for Runoff Reduction
 Bioretention Basin/Rain Garden
 Vegetated Open Channel
 Bioswale
 Pervious Pavement
 Stream Restoration
 Riparian Forest Buffer

Description of the size, location, and condition of the BMP(s): _____

Approximate Date of Installation: _____

Please check the box next to each of the following pieces of supporting documentation that are attached to this application. Including as many of these items as possible will expedite the review of the credit application.

- Design documents or engineering analyses of the BMP(s)
- As-built plans or construction drawings
- Calculations of the on-site impervious areas treated by each BMP (required for non-SFR parcels)
- Applicant's calculation of credit to be received
- Operation and Maintenance Plan
- Signed Operation and Maintenance Agreement

Exhibit "C"

**North Cornwall Township
Stormwater Management Fee Appeal Form**

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Email Address: _____

Mailing Address: _____

Address of the property which is the subject of this appeal: _____

Type of Appeal:

- Non-SFR impervious area/ERU calculation
- Incorrect non-SFR classification
- Auxiliary SFR parcel
- Other

Description of appeal: _____

Is supporting information attached? Supporting information is required for non-SFR impervious area/ERU calculation appeals.

- Yes
- No

**North Cornwall Township
Stormwater Management Fee Appeal Form
Instructions**

This form is to be used by North Cornwall Township property owners who believe that one or more aspects of their stormwater management fee bill is/are incorrect to formally file an appeal. The Township Board of Supervisors will review the appeal at the next regularly-scheduled Board of Supervisors meeting if the appeal is received at least ten business days in advance of the meeting. The Board of Supervisors will approve or deny the appeal and transmit the decision to the appellant in writing. If the appeal is accepted, corrections to the stormwater management fee bill will be made on the next quarterly bill. The following types of appeals will be considered by the Township Supervisors:

1. Non-Single Family Residential impervious area/ERU calculation appeal: an owner of a non-Single Family Residential (non-SFR) property who believes that the impervious area calculation, and thus the ERU calculation, for the property is incorrect may file an appeal to have the impervious area of the property re-examined. The property owner must provide a detailed estimate of the impervious area on the property for the appeal to be considered. A survey or analysis performed by surveyor licensed in the Commonwealth of Pennsylvania is the preferred means of identifying and measuring the impervious area on a parcel. The Township reserves the right to, with the property owner's permission, inspect the property to determine the boundaries of the impervious surfaces upon it.

2. Incorrect non-SFR classification appeal: a property owner who believes that the classification of his or her property as non-SFR is incorrect may file an appeal to have the classification changed to SFR. Please note that the classification may only be changed via a land use code change through the Lebanon County Assessment Office, and the Board of Supervisors will not override the decision of the Assessment Office.

3. Auxiliary parcel appeal: property owners who own two adjacent SFR parcels may be billed for a separate ERU for each parcel even if there is only one single-family residence between the two parcels. In this instance, the property owner may file an appeal to have one of the two ERUs waived. In order for one of the ERUs to be waived, the total impervious area on both properties must be less than 1.5 times the ERU value of 3,981 square feet, or less than 5,972 square feet.

4. Other appeals: the Township Board of Supervisors may entertain other appeals for extenuating circumstances. Please contact the Township office to discuss other appeals in detail. This appeal form should not be used for errors in billing information (customer name, address, phone number, etc). Please contact the Township directly regarding incorrect billing information.

Please complete all information on the reverse side of this form. Please mail the completed appeal form and all supporting information to: North Cornwall Township, 320 S 18th Street, Lebanon, PA 17042.

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