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Stormwater Remediation Fee Regulations

I) Definitions

a. All terms defined in Baltimore City Code Article 27 shall have the meaning ascribed therein. To the extent that terms defined in this section are also defined in Article 27, the below definitions are meant to elaborate on and clarify the Article 27 definitions.

b. Best management practice (BMP) – "best management practice" means a structural or nonstructural practice designed to temporarily store or to treat stormwater runoff in order to mitigate flooding, reduce pollution and provide other amenities.

c. City – "City" means the City of Baltimore.

d. Common area – "common area" means a parcel or part of a parcel the benefits of which are shared by the owners or occupants of other parcels or buildings within the parcel. Examples include sidewalks within an industrial park, parking areas, swimming pools, and clubhouses.

e. Department – "Department" means the Baltimore City Department of Public Works.

f. Equivalent Residential Unit (ERU) – "Equivalent residential unit" means a billing unit of 1,050 square feet of impervious surface. The median size of single family properties' impervious surface in Baltimore City is approximately 1,050 square feet.

g. Impervious surface – "impervious surface" means any surface that does not allow water to infiltrate into the ground.

    i. Typical examples are:

        1. Building roof tops and canopies;

        2. Concrete, asphalt, and macadam pavement;

        3. Structural decks and patios (e.g. wood, metal, natural stone, concrete);

        4. Brick, concrete and natural stone pavers; and

        5. Gravel used for vehicular or pedestrian traffic and vehicle parking.

    ii. Exclusions from impervious surface are contained in section (V)(d).

h. Master meter – "master meter" means a water meter that serves multiple parcels or multiple parts of the same parcel.

i. Non-Single family property (NSFP) – "non-single family property" means all parcels within the City that do not meet the definition of single family property. This includes, but is not limited to, commercial parcels, industrial parcels, and parcels owned by non-profit organizations, religious institutions, apartments, and condominiums.

j. Non-Structural best management practice – "non-structural best management practice" means stormwater runoff treatment techniques which use natural measures to reduce pollution levels, do not require extensive construction efforts and/or promote pollution reduction by eliminating the pollutant source.

k. Private way – For the purposes of this regulation, "private way" means any driveway, street, avenue, lane, median, alley, sidewalk, footway, curb, gutter, or similar structure that is included within property delineations and not held by the City of Baltimore or the State of Maryland.

l. Public way – For the purposes of this regulation, "public way" means the area held by the City of Baltimore or the State of Maryland and not included within property line delineations, which includes but is not limited to streets, avenues, lanes, medians, alleys, sidewalks, footways, curbs, and gutters whether acquired by purchase, grant, dedication or otherwise.

m. Single family property (SFP) - "single family property" means a developed lot that contains but 1 dwelling unit and is used exclusively as a single-family dwelling. This includes, but is not limited to, row homes, semi-detached and detached houses.

n. Stormwater only account (SWO) – "stormwater only account" means the billing account used to charge a stormwater remediation fee to a parcel that is not served by a water meter and does not already have an active water billing account.

o. Structural best management practice – "Structural best management practice" means devices which are constructed to provide temporary stormwater retention and treatment of stormwater runoff.

II) Calculation of stormwater remediation base fee

a. Single Family Properties

i. The stormwater remediation base fee shall be a flat quarterly charge.

ii. All single family properties shall be placed in one of three billing tiers.

1. Tier 1 – impervious surface less than or equal to 820 square feet, will be charged the equivalent of 2/3 ERU

2. Tier 2 – impervious surface greater than 820 square feet and less than or equal to 1,500 square feet, will be charged 1 ERU

3. Tier 3 – impervious surface greater than 1,500 square feet, will be charged 2 ERUs

iii. Single family properties will be placed in a tier based on the Department's assessment of their impervious surface.

iv. If the owner of a single family property disagrees with the tier that the owner's property has been placed in, the owner may request, through the customer service process outlined in section (VII)(b) of these regulations, that the property's impervious surface be measured. As a result of that measurement, the property may be moved into a lower tier (unless it is already in tier 1) or a higher tier (unless it is already in tier 3).

b. Non-Single Family Properties (NSFP)

i. Minimum charge – All non-single family properties shall be charged a minimum of 1 ERU.

ii. Whole ERU billing; rounding – If the measured impervious surface of an NSFP results in a partial ERU, that property's impervious surface amount will be rounded to the nearest whole ERU number and billed for that whole ERU amount.

c. Data Sources – In order to determine a parcel's impervious surface the Department uses information from aerial photographs and the State property tax database. The impervious surface determination can be further refined by reliable information received from the property owner, other City agencies, or as the result of an inspection.

d. The base fee calculated pursuant to this section may be reduced by the application of credits, exemptions, or legislated reductions to the fee as described in sections (VI), (V) and (III) respectively.

III) <u>Legislated Reductions to Fee</u>

a. Maximum Stormwater Remediation Fee as a Percentage of Property Tax

i. NSFPs may qualify to have their stormwater remediation fee capped at 20% of their combined State and local property taxes.

ii. For a property to qualify for this cap, each of the following exceed $1,000:

1. Net State and local real property taxes levied on the property; and

2. The assessed base fee.

iii. Properties taking advantage of a capped fee do not qualify for stormwater fee credits.

iv. To receive a cap on the stormwater remediation fee, property owners must submit an application provided by the Department as well as requested documentation that property taxes levied exceed $1,000. This application will be subject to the process outlined in section (VI)(a)(iv) and must be renewed annually.

b. Maximum Stormwater Remediation Fee for Religious Organizations

i. The fee for structures (buildings) located on property owned by religious groups or organizations is $12/ERU/year if

1. The property is not subject to State property taxes under Md. Tax-Property Code Ann. § 7-204 or City property tax; and

2. The structures on the property are used exclusively for:

a. Places of worship; or

b. Kindergarten through twelfth grade education.

ii. Stormwater fee credits may not be applied to the fee for any structures receiving a reduced fee. Stormwater fee credits may be applied to any other portion of a property owned by a religious group or organization that is not eligible for the reduced fee.

iii. To receive the reduced stormwater remediation fee, religious groups or organizations must submit an application provided by the Department that identifies the structures with uses considered eligible for the reduced fee. The application will be subject to the process outlined in section (VI)(a)(iv) and must be renewed every 3 years.

IV) <u>Billing Procedures</u>

a. Billing mechanism

i. The stormwater remediation fee will appear as a single line item on the parcel's quarterly water bill.

ii. Property owners will be billed quarterly. Bills will reflect the amount owed for the previous quarter.

iii. Payment of accounts that change ownership during a quarter will be determined through the normal settlement process.

b. SWO accounts – For parcels that do not have water service, the Department shall use a "stormwater only" account. These properties will receive a quarterly bill containing the stormwater remediation fee.

c. Master meters

i. Except as outlined below, the stormwater remediation fee will be charged on the water bill associated with a master meter for a property or group of properties served by the master meter.

ii. Homeowners' Associations; condominium or cooperative regimes

1. Definitions

a. "Homeowners' association" means an organization that governs a group of neighboring homes and may be responsible for common areas shared by member homes, as defined in Md. Code Ann. Real Property Art. § 11B-101.

b. "Condominium or cooperative regimes" means:

i. A condominium regime formed under the Maryland Condominium Act, State Real Property Article 11; or

ii. A cooperative housing corporation formed under the Maryland Cooperative Housing Corporation Act, State Corporations and Associations Article, Title 5, Subtitle 6B.

2. Where individually owned properties share common areas (such as a parking lot), the stormwater remediation fee for the common area parcel will be assigned to the master meter associated with the property wherever possible.

3. If there are multiple meters associated with the common area, the stormwater remediation fee for the common area's impervious surfaces will be split evenly among the metered billing accounts unless the common area property owner requests that it be apportioned differently.

4. If one master meter serves multiple tax parcels, the Department may, upon request of the homeowners' association, create stormwater only accounts for the individual tax parcels.

iii. Ground rent; land owned by others

1. For impervious surfaces owned by one party but located on land that is owned by another party and provided water service under one water billing account, the impervious surface on the parcel will be assigned to the water billing account.

2. Where multiple impervious surfaces with multiple owners are present on land owned by another party and the entire parcel is served by a master meter, the stormwater remediation fee for all impervious surface on the parcel will be billed to the master meter account.

3. When land owned by an entity that is exempt from the stormwater remediation fee is leased to a non-exempt entity, and the lessee owns or leases impervious surface on the land, the impervious surface is subject to the stormwater remediation fee.

d. Parcels with more than one meter

i. In parcels such as strip malls, office parks, and multifamily residences (apartments) if a single, active master meter is available, the stormwater remediation fee for the entire parcel will be assigned to the master meter account.

ii. If more than one active water meter account is available, the stormwater remediation fee for the whole parcel will be split equally among the metered billing accounts. Upon request of the property owner, the Department will consider reapportioning the stormwater remediation fee. Approved reductions of the base fee due to credits, exemptions or legislated reductions will be applied to accounts at the same proportion as the fee is applied.

e. Common areas

i. Common areas will be assigned to a water billing account served by a master meter.

ii. Where there is no meter attributable to a common area, a new stormwater only account will be created and billed separately from any of the parcels that may share the common area's amenities. The stormwater only bill shall be sent to the owner of the common area parcel.

f. Aggregation of stormwater accounts

i. Aggregation refers to the practice of billing stormwater remediation fees for multiple parcels on a single stormwater billing account.

ii. The Department may aggregate accounts at the request of property owners with multiple stormwater accounts as a billing amenity. The parcels need not be contiguous.

iii. The ERU amount for each aggregated parcel will be determined prior to aggregation.

g. Requesting change of billing procedure – Property owners who fall under one of the situations described in paragraphs (c) through (f) above and who wish to request a change in their billing procedure, may do so by contacting the Department's Customer Support and Services Division as described in section (VII)(b). Property owners shall receive a written confirmation of any changes in billing procedures or the Department's determination that the requested change cannot be accommodated.

h. Private ways – Private ways are billable impervious surface.

V) Exemptions

a. Exemptions in State law based on Property Ownership

   i. Md. Code Ann. Environment Art. § 4-202.1(e)(2) prohibits jurisdictions from charging a stormwater remediation fee to "property owned by the State, a unit of State government, a county, a municipality, or a regularly organized volunteer fire department that is used for public purposes."

   ii. In the event that the State law is amended to remove or add to these exemptions, the Department will restructure its billing procedures accordingly.

b. Public ways – Public ways are exempted from the stormwater remediation fee.

c. Hardships

   i. An exemption from the stormwater remediation fee will be granted to those experiencing a substantial financial hardship as a result of the stormwater remediation fee.

      1. To qualify for a substantial financial hardship exemption, an applicant must be able to document at least two of the following conditions:

         a. Receiving energy assistance subsidy;

         b. Receiving public assistance – Supplemental Security Income, food stamps, medical assistance, or other public assistance program;

         c. Receiving veterans or social security disability benefits;

         d. Meeting the gross income criteria below:

Household size	(2013-2014) Monthly Income is less than:
1	$1,675.93
2	$2,261.88
3	$2,848.13
4	$3,434.38
5	$4,020.63
6	$4,606.88
Additional persons	Add $586.25each

Source: Maryland Department of Human Resources/Office of Home Energy Programs (www.dhr.state.md.us/meap/index.htm)

2. In order to document eligibility for the financial hardship exemption, applicants must submit the following applicable documentation:

    a. Current enrollment verification in energy assistance subsidy;

    b. Current enrollment verification of Supplemental Security Income, food stamps, medical assistance, or other public assistance program;

    c. Verification of eligibility for veterans/social security disability benefits;

    d. Proof of household gross income received in the 30 days prior to the date of application (acceptable documentation includes but is not limited to pay stubs, 1099 forms, and pension statements).

3. In addition to the above documentation, all applicants must also provide the following:

    a. Proof of identification and proof of residency;

b. Copy of landlord/tenant lease agreement indicating tenant responsibility for water/sewer charges; and

c. Copy of most recent water/sewer/stormwater bill.

ii. Discounts for hardship - The Department's Senior Citizen Water Discount Program is designed to render assistance to citizens who would otherwise face a hardship in paying their water bill by reducing their billed amount by a fixed percentage. Participants in this program will automatically receive a reduction in their stormwater remediation fee at the same fixed percentage rate as the rest of the water bill as defined in the annual budget schedule for the water utility.

d. Exemptions based on site conditions

i. Some site conditions, that would otherwise be considered as impervious surface under these regulations, may be exempt from the stormwater remediation fee, based on State guidance relevant to the City's MS4 permit and Article 27 of the City Code.

ii. Site conditions eligible for exemption include:

1. Gravel used for landscaping, decoration, or ground stabilization, but not compressed by pedestrian or vehicle traffic.

2. Gravel used as ballast for railroads.

3. Rooftop or pavement where drainage is permitted by the Department to directly connect to the public wastewater system under a wastewater discharge permit.

4. Streets that are privately maintained and open to the public, in lieu of public streets, in single-family residential communities.

5. Any portion of a property where caps or other impervious surfaces are required to encapsulate a recognized Superfund area or to protect subterranean structures, as required by the State of Maryland or the U.S. Environmental Protection Agency.

6. The portion of ground underlying a solar panel which excludes the foundation and base of the solar panel device, provided that the ground surface is stabilized with vegetative cover or a gravel bed.

7. Any portion of a deck that is not directly touching the ground surface, is constructed with gaps between the boards and the ground underneath is stabilized with vegetative cover or a gravel bed.

iii. Property owners wishing to receive an exemption for a property or portion of a property that has one or more of the conditions listed above must notify the

Department that the site condition exists and, where necessary, provide documentation that enables the City to confirm the site condition.

VI) Credit Program

a. General credit information

i. Purpose – The following credit program is established to give property owners control over the amount of their stormwater remediation fee and to help the City meet the requirements of its MS4 permit.

ii. Review of credit program – All portions of this credit program, including the maximum allowable credit, will be subject to periodic review by the Department.

iii. Maximum credit

1. Purpose – A maximum credit is set to maintain the revenue necessary to provide the base level of stormwater service for water quality improvement requirements and stormwater infrastructure needs.

2. Amount – The credit program will allow for credit types to be combined; maximum credit values for individual credit types are listed in Table 1.

iv. Application

1. The Department shall provide application forms and credit guidance documents to the public on the City's website and any other Department sponsored websites (such as www.cleanwaterbaltimore.org). Property owners may request the application forms and guidance documents to be mailed by contacting the Department's Customer Support and Services Division.

2. Property owners may apply for credits at any time within the billing period. Credit application submission may be completed via email to publicworks@baltimorecity.gov, fax at (410)396-5531 via hand delivery or mail to :

Department of Public Works
c/o Customer Support and Services Division
200 Holliday Street
Abel Wolman Municipal Building, 4th Floor
Baltimore, MD 21202

v. Review – The requested credit will only be applied to a property after the Department has reviewed and approved the property owner's application. The

Department shall review the credit applications and notify the property owner of the decision in writing within 30 days, whenever possible.

vi. Dispute of credit determination – If a property owner is denied a credit, disagrees with the amount of credit approved by the Department, or disagrees with the Department's credit determination in any way, the property owner may use the customer service process and appeals process detailed in section (VII) of these regulations to dispute the credit determination.

vii. Credit applied to bill

1. Except as provided in paragraph 2, credit will be applied prospectively to the bill in four quarterly allotments starting the quarter following the approval of the credit application by the Department.

2. When a 30 day review period would have allowed a property to receive credit for a new practice on a subsequent quarterly bill and the Department is unable to complete the review within that period, the credit will be applied retroactively for any quarters that are billed after the 30 day review period.

viii. Renewal

1. No credit will be provided in perpetuity. Approval periods will be established for each credit type to encourage maintenance of the practice and verify that the practice provides the intended water quality improvement.

2. Approval periods are listed in Table 1 for each of the credit types.

3. The credit may be rescinded within the approval period based on Department inspection, as noted in Section (VI)(b)(vi) of this document. The Department will notify the property owner in writing of any decisions to rescind the credit within the approval period.

4. If a renewal application for a multiple year credit is not received 30 days before the end of the credit period, the credit will not be reflected on the subsequent water bill.

5. Upon approving a credit renewal application, the Department will extend the credit to the property owner for an additional approval period as applicable to the type of credit and as shown in Table 1.

Table 1: Summary of Credit Program

Type	Description	Maximum Credit	Approval Period
SFP Owners			
Participation	Participation in an eligible event within the City, such as stream clean-up, tree planting, and de-paving events.	$30/ yr for 24 hrs participation	1 year[1]
Simple Residential BMPs	Installation and maintenance of designated BMPs on-site: rain gardens, tree planting, and rainwater harvesting. The BMPs will be subject to inspection via a simple right-of-entry agreement. Technical review of the application by the Department is not required.	$8 / yr for a Small Rain Garden	3 years
		$16 / yr for a Large Rain Garden	3 years
		$3 / yr / Tree	3 years
		$24 / yr for a Rainwater Harvesting system	3 years
Other Residential BMPs	Installation and maintenance of designated BMPs on-site. The BMPs will be subject to inspection via a simple right-of-entry agreement. Technical review of the application by the Department is required.	45% for 100% on-site treatment, unless the BMP treatment exceeds on-site impervious surface	3 years
NSFP Owners			
Participation	Participation in an eligible participation event within the City, such as stream clean-up, tree planting, and de-paving events. Limited to NSFP owners with bills of 2 ERUs or less.	$30/ yr for 24 hrs participation	1 year[1]
Treatment	Structural and Environmental Site Design BMPs - Installation and maintenance of MDE-approved BMPs located on and off of the property, including BMPs installed prior to July 1, 2013.	45% for 100% on-site treatment, unless the BMP treatment exceeds on-site impervious surface	3 years

[1] Participation credits are not renewable. To get more participation credits, the property owner must participate in more eligible events.

Type	Description	Maximum Credit	Approval Period
	Activity-based BMP is associated with a recurring activity, such as mechanical sweeping or inlet cleaning.	45% for 100% on-site impervious surface treatment	1 year
Small Development Credit	Fee reduction for parcels containing 50 to 820 square feet of impervious surface.	33%	3 years
Vacant Lot Credit	Credit reduction for parcels containing less than 50 square feet of impervious surface.	45%	3 years
NPDES Industrial Stormwater Permit or Exemption	Credit for properties already managing stormwater pursuant to a permit issued by the Maryland Department of the Environment	55%	5 years (coincident with permit issuance and renewal)
Direct Discharge to Harbor	Credit for properties that maintain their own storm drains and outfalls and which discharge stormwater directly to the Baltimore Harbor	30%	5 years
Historic Cooperative Property Owners			
Onsite Stormwater Management System	An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from its property to a public stormwater conveyance system shall receive a 40% credit against its base fee.	40%	3 years
Neighboring Stormwater Conveyance	An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from a neighboring community to the City's stormwater management system shall receive a 40% credit against its total annual fee.	40%	3 years

b. Credit Types and Criteria

i. Participation Credit

1. In general

a. Many SFP owners will, due to the nature of their property, have no opportunity to do on-site treatment to reduce their base fee. Giving

credit for their participation in volunteer-based stormwater management activities will allow these owners to reduce their base fee. Similarly, NSFP properties with bills of 2 ERUs or less are limited in their ability to pursue treatment practice credits and may take advantage of this program.

b. The credit amount is based on the Department's estimated cost of service reductions as a result of eligible participation events.

2. Eligible participation events

a. Eligible events for the Participation Credit must be located within the geographic boundaries of Baltimore City. Participation in events located at the drinking water reservoirs in Baltimore and Carroll Counties (Loch Raven, Liberty, and Pretty Boy Reservoirs) are not eligible for this credit.

b. For the purpose of this credit, eligible events are limited to volunteer-based activities targeted at a specific geographic area (such as a park, neighborhood, school, or stream) to be completed within a short duration (less than 1 day) and have a specific outcome that will directly improve water quality.

c. Eligible event types for the Participation Credit include:

i. Stream clean up – A stream clean up is an event in which participants patrol a defined portion of a water body to remove trash and other debris.

ii. Community clean up – A community clean up is an event in which participants patrol a defined portion of a neighborhood to remove trash and other debris.

iii. Tree planting event– A tree planting event is an event in which volunteers plant multiple trees and may include street trees. Typical tree planting events include the planting of approximately 30 trees. These events should be coordinated with the Tree Baltimore Initiative to verify compliance with City landscaping regulations, appropriate property access, and proper maintenance to ensure the survival of the trees.

iv. De-paving – A de-paving event is where participants remove impervious surface from a private parcel, public parcel or public way, such as removing black top from a school play area. Once the impervious surface is removed, the ground must be stabilized with vegetation such as grass, plantings, or

trees. Event organizers must demonstrate permission from the owner to access the parcel in order for this event to be eligible for credit. For de-paving events disturbing more than 5,000 square feet of land, proper building and grading permits must be obtained from the City in order for the event to be eligible for this credit.

v. BMP installation event – A BMP installation event is an event where participants install an approved stormwater BMP on a public way or a public parcel, such as a school. Event organizers must demonstrate permission from the owner to access the parcel in order for this event to be eligible for credit. For BMP installation events disturbing more than 5,000 square feet of land, proper building and grading permits must be obtained from the City in order for the event to be eligible for this credit.

d. Registering an event

i. The organizer of an eligible event must register the event with the City's 311 system at least 30 days in advance of the event.

ii. Once the Department has verified that the event qualifies as an eligible event for the Participation Credit, the Department will send the event organizer a certification form via email or regular mail. The certification form will include the following information:

1. Event name;
2. Event type;
3. Date of event;
4. Estimated duration of event (hours); and
5. 311 Confirmation Number.

e. Parameters

i. The minimum amount of participation necessary for a credit is 8 hours within 1 year.

ii. The maximum amount of participation eligible for credit is 24 hours within 1 year for one property.

iii. Multiple residents of the same SFP or multiple representatives of eligible NSFP (those with bills of 2 ERUs or less) may all receive participation credit towards their stormwater remediation fee up to the 24 hour maximum.

iv. The credit for an individual's participation in an event may only be applied to one property.

f. Amount of credit

i. At least 8 hours and less than 16 hours of participation in one year will result in a $10 credit for a property.

ii. At least 16 hours and less than 24 hours of participation in one year will result in a $20 credit for a property.

iii. At least 24 hours of participation in one year will result in a maximum $30 credit for a property.

g. Application of the Participation Credit to bill

i. At the end of the event, the organizer will provide a certification form to each participant.

ii. Individual participants will attach certification forms from all eligible events to the credit application form and submit to the Department via email to publicworks@baltimorecity.gov, fax at (410)396-5531 or via hand delivery or mail to:

Department of Public Works
c/o Customer Support and Services Division
200 Holliday Street
Abel Wolman Municipal Building, 4th Floor
Baltimore, MD 21202

iii. Once the Department receives and processes the application, credit will be applied to the property identified by the participant. One quarter of the total credit earned will be applied to each of the subsequent four quarterly bills.

iv. An event participant may choose the participation credit to be applied to a property other than the participant's residence or business. In order to donate participation credits to another party (such as an elderly neighbor), the event participant must identify the property that the participant wishes the credit to go to on the application. All properties, including NSFPs

larger than 2 ERUs, are eligible to receive gifted credit. The maximum amount of participation credit a property may receive is $30 per year regardless of whether the credit is gifted or earned.

ii. Simple Residential BMPs for SFP Owners

1. Upon successful completion of the application process, credit shall be given for the BMPs described in this section in the amounts shown in Table 1. Except as limited for trees, BMPs installed prior to July 1, 2013 shall be eligible for credits.

2. Rain garden – A rain garden is a depressed area of the ground planted with vegetation, allowing runoff from impervious surfaces such as parking areas and roofs the opportunity to be collected and infiltrated into the groundwater supply or returned to the atmosphere through evaporation and evapotranspiration. This credit is categorized as follows:

    a. A small rain garden must have a minimum size of 50 square feet and a minimum drainage area of 500 square feet to be eligible for this credit.

    b. A large rain garden must have a minimum size of 100 square feet and a minimum drainage area of 1,000 square feet to be eligible for this credit.

    c. If the drainage area exceeds 2,000 square feet, the property owner may choose to apply for an "Other Residential BMP" credit, which requires a technical review but may result in a larger credit.

3. Trees – Trees reduce stormwater runoff, in addition to decreasing energy needs. Trees planted after 2010 are eligible for credit. The planted tree must be 1 inch or greater in diameter. Tree plantings must conform to City Landscaping regulations. A minimum of 2 trees must be planted to be eligible for this credit.

4. Rainwater harvesting – A rainwater harvesting system intercepts stormwater runoff from rooftops and pavement and temporarily stores the water to decrease peak runoff and diverts the water for irrigation or plumbing service. A minimum 400 gallons of storage is required to be eligible for this credit. The property owner must demonstrate that the water will be used either as irrigation or plumbing service.

iii. Other Residential BMPs for SFP Owners– Any best management practices installed on SFP which meet the standards outlined in section (VI)(b)(iv) for NSFP Treatment Practice Credits, may receive credit as outlined in section (VI)(b)(iv)(5).

iv. Treatment Practice Credit for NSFP Owners

1. Approved BMPs – Upon approval of a credit application, the Department shall give credit for BMPs that have been approved by MDE, as evidenced by either a certification letter from MDE or as listed in the latest versions of MDE-issued guidance documents, including but not limited to:

    a. Maryland Stormwater Design Manual

    b. Environmental Site Design (ESD) Process & Computations

    c. Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated

2. New technology – If a property owner wishes to receive credit for a new BMP technology that has not been approved by MDE, the Department may consider entering into a customized memorandum of understanding with the property owner.

3. Existing BMPs – BMPs installed prior to July 1, 2013 that are otherwise eligible for credit under this section shall receive credit upon successful completion of the application process.

4. Off-site treatment BMPs

    a. While on-site treatment is, usually, the preferred method of stormwater management, off-site BMPs will be eligible for this credit type. Off-site treatment refers to a BMP that has been installed and maintained by a property owner, but it is located in the public way, on public lands, or on a separate private property.

    b. Justification – In addition to application submittal requirements for Treatment Practice Credits, property owners that want to be credited for off-site treatment BMPs must provide a written narrative description of why the off-site treatment practice was implemented instead of on-site treatment.

    c. Geographic limitations – In order to obtain credit for an off-site BMP, the BMP must be located within the City of Baltimore and in the same 8-digit watershed as the property to which the credit will be applied.

5. Calculation of treatment practice credit

    a. The amount of credit given for a treatment practice will be based on the amount of impervious surface for which the practice treats 1 inch of runoff (also known as equivalent impervious surface restored).

The Department will reference MDE-issued guidance documents to calculate the equivalent impervious surface restored.

b. The percentage of the property's impervious surface treated by the practice is then multiplied by the maximum credit of 45%. The resulting number is the percentage deducted from the base fee.

c. The roofs or pavement associated with treatment practices, such as green roofs and permeable pavement, will be defined as impervious surface for the purpose of the stormwater remediation fee. These treatment practices will be eligible for credit upon the City's approval of a credit application.

d. Treatment of stormwater run-on – If the BMP of an NSFP treats surface water that runs on to that property from a neighboring property or public way, the total amount of impervious surface treated by the practice will be expressed as a percentage of the impervious surface of the property where the practice is located (even if that total is greater than 100%) when calculating the credit for the practice. Structural best management practices cannot result in a credit that reduces the fee beyond the minimum NSFP charge of 1 ERU.

e. Activity based BMPs – The property owner will be required to provide data after one year of carrying out the practice to demonstrate the equivalent impervious surface restored that is to be credited, according to the criteria listed in MDE-issued guidance.

v. Maintenance

1. It is the responsibility of the property owner to ensure that all treatment practices are properly maintained.

2. Improper maintenance, as discovered by routine inspection, may be grounds for rescinding a credit.

vi. Inspection of treatment practices

1. To be eligible for the Simple Residential BMP credit, the property owner or designated representative must execute a simple right-of-entry agreement with the Department.

2. To be eligible for all other Treatment Practice credits, the property owner or designated representative must execute an inspection and maintenance agreement on all current and subsequent owners of land served by the BMP. This agreement provides access to the BMP, at all reasonable times, for regular inspections by the Department or its authorized representative to

ensure that the BMP is maintained in proper working condition to meet design standards.

3. The Department may inspect the eligible BMP at least once every three years.

4. The Department may accept independent inspections performed by a professional civil engineer, licensed in the state of Maryland. A written report of the inspection (signed and sealed by the engineer) must be provided to the Department. The Department reserves the right to perform a separate inspection to verify the results of the submitted report.

5. All inspections will result in a written inspection report, a copy of which shall be provided to the property owner.

    a. Noncritical inspection issues

        i. A noncritical inspection issue occurs when the Department determines that a practice is designed and constructed properly with no structural flaws but there are some deficiencies in functionality due to problems with maintenance.

        ii. Upon finding a noncritical inspection issue, the Department will inform the property owner of the issue in writing and provide a deadline for all identified issues to be addressed. The Department will return after the deadline to re-inspect.

        iii. If, upon re-inspection, all issues have been addressed, no further action will be taken.

        iv. If, upon re-inspection, the issues have not been addressed, the Department may rescind the credit to the account for the impacted practice. The property owner will have to reapply for the credit once the deficiency has been addressed.

    b. Critical inspection issues

        i. A critical inspection issue occurs when the Department determines that a BMP is:

            1. No longer present;

            2. Constructed improperly such that function is impacted; or

            3. Structural elements have failed.

ii. Upon finding a critical inspection issue, the Department will notify the property owner of the deficiencies in writing; the credit to the property will be rescinded, effective as of the then current billing period.

iii. If, upon re-inspection, the critical issues have been addressed, the property owner must re-apply for the credit.

vii. Small Development Credit – Parcels containing 50 to 820 square feet of impervious surface are eligible for a credit which reduces the base fee to the equivalent of the initial fee for SFP Tier 1 property.

viii. Vacant Lot Credit

1. Parcels containing less than 50 square feet of impervious surface are eligible for a credit equivalent to 45% of the base fee.

2. If a parcel qualifies for this credit, then any future development will not be eligible for the redevelopment waiver for stormwater management.

3. This credit may be rescinded if the Department finds that the parcel is not regularly mowed and kept free of litter and debris, as evidenced by the parcel having no more than two Department of Housing and Community Development Referrals to the Bureau of Solid Waste within one year.

ix. NPDES Industrial Stormwater Permit or Exemption Credit

1. Properties subject to an NPDES industrial stormwater discharge permit that requires stormwater management or that have been determined by MDE to be exempt from stormwater permitting due to a condition of no exposure shall receive a credit equal to 55% of the base fee.

2. To receive this credit, property owners shall submit to the Department a copy of their MDE-issued NPDES permit or Exemption Certificate with the initial application for the credit and every time the permit or exemption is renewed.

3. If an MDE permit or exemption is administratively extended due to the timely submission of a renewal application but delayed approval by MDE, the term of the credit shall automatically be extended until MDE issues the revised permit or exemption.

4. If a permit or exemption holder receives a Notice of Termination of their permit or exemption from MDE, the Department shall revoke the associated credit.

5. The NPDES Industrial Stormwater Permit or Exemption Credit takes the place of treatment practice credits. The treatment practices used to comply with the permit or exemption may not receive credit separately from the credit given for the permit.

x. Direct Discharge Credit

1. Properties that discharge directly to the Baltimore Harbor and not through the City storm drain system shall receive a credit of 30% of the base fee. If less than all of the property discharges directly to the Harbor, the amount of the credit shall be reduced proportionately by the percentage of property that discharges to the City storm drain system.

2. To receive this credit, the property owner must submit a site plan drawing of the propert(ies) showing the following:

a. The drainage areas and flow patterns of the site;

b. Any private stormwater collection systems, including inlets, manholes, roof drain connections, etc.;

c. Location of structural outfalls;

d. Topographic contours of the property; and

e. Delineation of the portion of the property and impervious area that would be eligible for this credit.

3. Application approval for this credit type may be contingent on the Department's field verification of drainage connections.

xi. Historic Cooperative Property Credits

1. An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from its property to a public stormwater conveyance system shall receive a 40% credit against its base fee.

2. An historic cooperative property that maintains an onsite stormwater management system that conveys stormwater from a neighboring community to the City's stormwater management system shall receive a 40% credit against its base fee.

c. All credits are cumulative and may be added together to reduce the base fee, except where otherwise noted. The total amount of credit granted to a parcel shall not exceed 100% of the parcel's base fee.

VII) Adjustment of fee

a. Department review of bills – As part of the Department's quality assurance and quality control process, the Department will periodically undertake review of stormwater remediation fees and any credits, exemptions or discounts granted to a property owner to reduce the base fee.

b. Customer service process

   i. Property owners who have questions or concerns about their stormwater remediation fee or the denial or application of a credit, exemption, or legislated fee reduction may contact the Department's Customer Support and Services Division via email or telephone.

   ii. The contact information for the Department's Customer Support and Services Division will be listed on all quarterly water and stormwater only bills, as well as on the City's website and any other Department sponsored websites (such as www.cleanwaterbaltimore.org).

   iii. Customer service representatives will be able to review stormwater remediation fee charges and assist the property owner over the phone or via email. If it is determined that a stormwater remediation fee is in error, the fee can be adjusted without the property owner appearing in person to the Department.

   iv. The Department shall maintain records of all contacts with property owners and the reasoning behind all decisions made and actions taken regarding their stormwater remediation fee.

   v. If, after utilizing the customer service process outlined in this subsection, the property owner remains in disagreement with the Department about the amount of the stormwater remediation fee, the property owner has the option to formally appeal the fee in writing.

c. Appeals process

   i. An appeal shall be submitted in writing within 30 days of receiving a stormwater remediation bill that the property owner feels to be in error.

   ii. If the property owner has begun the customer service process within 30 days of receiving the contested stormwater remediation bill, the legislated 30 day window for a property owner to file an appeal begins at the conclusion of the customer service process as indicated by the date of the property owner's receipt of the Department's written notice denying the requested adjustment.

   iii. A letter appealing the bill that the property owner finds improper should be sent to the Bureau of Water and Wastewater via email to publicworks@baltimorecity.gov,

via mail or via hand delivery to:

Department of Public Works
c/o Customer Support and Services Division
200 Holliday Street
Abel Wolman Municipal Building, 4th Floor
Baltimore, MD 21202

iv. The appeal letter must contain:

1. The property owner's name;
2. Account number;
3. Basis of appeal; and
4. Evidence to support the property owner's contention.

v. Evidence supporting an appeal may include:

1. Measurements from an approved as-built engineering drawing;
2. A land survey that shows the total parcel area and the impervious surface;
3. Proof of ownership or proof of sale; or
4. Other reliable documentation that proves the property owner's contention.

vi. The Director of Public Works is the final authority for the Department on all appeals. If the property owner is aggrieved by the Director's final decision on an appeal, the property owner may seek review of that decision before the Board of Municipal and Zoning Appeals. A property owner aggrieved by the final decision of the Board of Municipal and Zoning Appeals may seek judicial review by petition to the Circuit Court for Baltimore City. A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals.

d. Bill adjustments

i. Property owner overcharged – If the Department determines that a property owner's stormwater remediation fee is higher than the correct amount, the property owner's account will be credited with the overcharge (actual charge less correct charge) for up to the preceding one-year time period or for the length of time the property owner has been responsible for that parcel, whichever is shorter. The property owner may decide if they would like the credit to remain on the account to be used towards future bills or they may request a refund check through the Finance Department.

ii. Property owner undercharged – If the Department determines that a property owner's stormwater remediation fee is lower than the correct amount, the property owner will not be penalized. The fee will be corrected and the appropriate amount applied in the next regular billing cycle. There will be no retroactive billing for the underpayment from the property owner.

VIII) Incentive Program

a. Funds received from the stormwater remediation fee may be used for an incentive program, the purpose of which is to encourage citizens and groups to participate in stormwater programs or to enhance the benefits of a program that has or may have stormwater benefits.

b. Incentives can take many forms including, but not limited to:

   i. Large and small grants administered by the Department or a designated third party;

   ii. Collaboration with other public or private environmental or greening programs;

   iii. Technical support for planning and design of stormwater BMPs; and

   iv. Equipment and materials for volunteer activities.

RECOMMENDED:

9/3/13

RUDOLPH S. CHOW, P.E. DATE
BUREAU HEAD
BUREAU OF WATER AND WASTEWATER

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

9/4/13

VICTOR K. TERVALA, ESQ. DATE
ASSISTANT CITY SOLICITOR

SUBMITTED:

9/5/13

ALFRED H. FOXX DATE
DIRECTOR
DEPARTMENT OF PUBLIC WORKS

THIS IS TO CERTIFY that the preceding is a true copy of the Stormwater Remediation Fee Regulations, as adopted by the Department of Public Works and filed with the Department of Legislative Reference.

Nancy Boyd Ray on behalf of Avery Aisenstark
9/9/13

AVERY AISENSTARK DATE
DIRECTOR
DEPARTMENT OF LEGISLATIVE REFERENCE