

ORDINANCE NO. ____

AN ORDINANCE OF ANNVILLE TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA ESTABLISHING AN MS4 USER FEE FOR STORMWATER COLLECTION AND MANAGEMENT.

WHEREAS, Annville Township ("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 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 Annville Township Board of Commissioners:

Section 1. Title.

This Ordinance shall be known as the Annville Township MS4 Fee Ordinance.

Section 2. Authority.

- A. Annville Township is empowered to regulate Stormwater management activities and facilities by the authority of the Stormwater Management Act, 32 P.S. § 680 et seq. and the First Class Township Code, Act of June 24, 1931, P.L. 1206, No. 331 Cl. 73 as amended.
- B. Annville Township is also empowered to regulate land use activities that affect Stormwater runoff and Stormwater Management Systems by the authority of the Water Resources Management Act of 2002, 27 Pa.C.S.A. §3101 et. seq. and the

Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.* as amended.

- C. The Annville Township Authority is empowered by 53 Pa.C.S. §5607 to assess fees for Stormwater management activities and facilities.

Section 3. Findings.

Annville 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 (BMPs), is fundamental to the public health, safety, and welfare and the protection of people of Annville 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 Annville 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. Annville Township intends to establish fair and equitable 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 Annville Township.

- H. Seeing it as a commonly-used methodology for calculating an MS4 fee and after consultation with the Township Engineer and Township Solicitor, Annville Township determined the Equivalent Residential Unit (ERU) model as an appropriate method of calculating such a fee. The following determinations were made:
- a. A base fee per Residential Parcel is reasonable.
 - i. A Residential Parcel in the following residential zoning districts will be charged 1 ERU: R-2 (Medium Density Residential), R-3 (High Density Residential), and TC (Town Center) due to a similar amount of average Impervious Surface area per property in these districts.
 - ii. A Residential Parcel in the R-1 (Low Density Residential) zoning district will be charged 1.26 ERUs due to a higher amount of average Impervious Surface area per property in these districts.
 - iii. A Residential Parcel not in the R-1, R-2, R-3, or TC zoning districts with Impervious Surface area greater than or equal to 5,227 square feet will be charged 1.26 ERUs and those with Impervious Surface area less than 5,227 square feet will be charged one (1) ERU.
 - b. The base fee can be derived from a statistical sampling of impervious surfaces on properties in the Township.
 - c. All Non-Residential Parcels 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.
- I. Annville Township presented information on its MS4 program and fee at a public meeting on March 20, 2018 that was publicly advertised.

Section 4. Definitions.

ANNVILLE TOWNSHIP: Annville Township, Lebanon County, Pennsylvania.

ANNVILLE TOWNSHIP AUTHORITY: An Authority incorporated under that name in 1965 and organized under provisions of the Municipality Authorities Act, 53 Pa.C.S. § 5601 *et seq.* as amended

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 listed in the Annville Township MS4 Fee Credit Manual.

BOARD OF COMMISSIONERS: The duly-elected governing body of Annville Township, Lebanon County, Pennsylvania.

CREDIT: An MS4 Fee reduction that a Property Owner receives for implementing and complying with the practices and policies adopted by Annville 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 any impervious surface. A parcel classified as "Vacant Land" (or some similar form thereof) per data from the Lebanon County Assessment Office shall be classified as a Developed Parcel if there is Impervious Surface on the parcel.

EQUIVALENT RESIDENTIAL UNIT (ERU): The measure of impervious ground cover for a typical residential property used in assessing fees for each parcel of property, and which is determined to be 5,227 square feet.

IMPERVIOUS SURFACE: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surface includes all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, stone, or gravel, in accordance with Sections 201, 301, and following of the Township's Stormwater Management Ordinance.

MS4 FEE: A fee to be collected from each Developed Parcel in Annville Township and used to cover the cost of the Township's Stormwater management program.

NON-RESIDENTIAL PARCEL: Any Developed Parcel not fitting the definition of Residential Parcel, or not classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Non-Residential Parcels include, but are not limited to, apartments with four or more units, 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, nursing homes, senior retirement facilities, office buildings, public utilities, government properties not owned by Annville Township or one of its Authorities, and mixed-use properties including those with a classification of "Residential w/ some comm." per data from the Lebanon County Assessment Office. A Developed Parcel meeting the definition in the two previous

sentences that is not listed on the tax rolls for Annville Township but has Impervious Surface in Annville Township will be considered a Non-Residential Parcel for its Impervious Surface in Annville Township. A parcel that is owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property for which no more than three residential rental licenses are issued will be considered a Residential Parcel until this residential purpose changes.

OWNER: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, public utility, society or group owning real property in Annville Township; also may be referred to as "property owner" or "land owner".

RESIDENTIAL PARCEL: Developed parcel on the tax rolls of Annville Township containing Impervious Surface classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Residential Parcels include single-family houses, single-family units, duplexes, manufactured homes and mobile homes located on individual lots or parcels of lands, and parcels that are owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property, provided that no more than three residential rental licenses are issued for the parcel.

STORMWATER: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

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 Annville 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.

Section 5. Imposition of MS4 Fees.

- A. Each Residential Parcel shall be charged for one (1) ERU in the R-2 (Medium Density Residential), R-3 (High Density Residential), and TC (Town Center) zoning districts and 1.26 ERUs in the R-1 (Low Density Residential) zoning district. Residential Parcels in other zoning districts with Impervious Surface area greater than or equal to 5,227 square feet will be charged 1.26 ERUs and those with Impervious Surface area less than 5,227 square feet will be charged one (1) ERU.
- B. The fee per ERU shall be a quarterly fee of \$10.00, with one (1) ERU being equal to 5,227 square feet.
- C. All other developed, Non-Residential Parcels shall be charged a quarterly fee calculated by dividing the total impervious area of the Non-Residential Parcel by the impervious area per ERU to determine the number of ERUs to assign to the Developed Parcel. ERUs shall be assigned to Non-Residential Parcels by rounding to the nearest hundredth. A Non-Residential Parcel will be charged a minimum of one (1) ERU; however, Non-Residential Parcels that are adjacent to one another and under common ownership may be calculated as a single parcel.

Example: A Non-Residential Parcel containing 13,652 square feet of Impervious Surface area would have the following ERUs assigned to it:
 $13,652 / 5,227 = 2.612 = 2.61$ ERUs; at \$10.00 per ERU, this parcel will be charged \$10 x 2.61 or \$26.10 per quarter.

- D. The Board of Commissioners may review the MS4 Fee established by this Ordinance, and may modify same by Ordinance as deemed necessary.

Section 6. Uniform Application of MS4 Fees.

All MS4 Fees shall be assessed, imposed, liened and collected for all Developed Properties within Annville Township, with the exception of Developed Properties owned by Annville Township or one of its Authorities.

Section 7. Billing and Collection of MS4 Fees.

- A. The MS4 Fees fixed and established by this Ordinance shall be effective to all properties that use, are served, or are benefited by the Annville Township Stormwater Management System existing as of the effective date of this Ordinance, and shall be effective to all other properties thereof that use, are served, or are benefited by the Stormwater Management System subsequent to the effective date of this Ordinance.
- B. Annville Township shall create and maintain a dedicated Stormwater account separate from all other accounts or funds. All MS4 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. Annville Township may bill property owners for MS4 Fees via the utility billing system used by the Annville Township Authority.
- D. Bills for MS4 Fees shall be issued on a quarterly basis.
- E. Bills for MS4 Fees shall be payable at their face amount by the fifteenth (15th) day of the month on which the bill was mailed, or the next business day the Annville Township Office is open if the fifteenth (15th) day of the month falls on a weekend or holiday recognized by the Township ("Due Date").
- F. The MS4 Fees imposed and collected will be subject to proration by Annville Township in the event a property is sold.

Section 8. Late Payment Penalty; Interest Paid on Unpaid MS4 Fees.

A penalty of five percent (5%) will be assessed on the day following the Due Date. All unpaid user charges shall be a lien against the property, and the Township Solicitor may file such lien in the office of the Prothonotary of Lebanon County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. 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. MS4 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 MS4 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 Annville Township Pollution Control Fee Credit Manual, attached hereto as Exhibit "A", and incorporated herein by reference. This manual may be amended by Resolution of the Board of Commissioners.
- B. Property Owners seeking to obtain credits must complete the Credit Application Form, attached hereto as Exhibit "B", and incorporated herein by reference. This form may be amended by Resolution of the Board of Commissioners.
- C. The annual credit cap shall be \$5,000 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 Commissioners may review the credit cap and modify its amount by Resolution as deemed necessary.

Section 11. Appeals.

- A. Appeals must be expressed in writing and addressed to the Annville Township Authority 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. This form may be amended by Resolution of the Board of Commissioners.
- B. Appeals must be filed at the Township Office within thirty (30) days of the MS4 Fee 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 Annville Township Authority will consider the appeal, perform a site visit if necessary, consult with the Township Engineer and Township Solicitor if necessary, and issue an acceptance or rejection of the appeal.
- D. The appeal shall be accepted or rejected by the Annville Township Authority within sixty (60) days of receipt by the Township Office. All decisions by the Annville Township Authority 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 Annville Township Authority, a lien may be filed in the office of the Prothonotary of Lebanon County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

Section 12. Policies and Procedures Authorized.

- A. The Annville Township Authority may adopt such policies and procedures as deemed appropriate to ensure collection of MS4 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 Annville Township Authority deems 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 Annville 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 MS4 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 Annville Township.
- D. Annville Township 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 MS4 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 Annville 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 Annville Township expressly reserves the right to assert all available immunities and defenses in any action seeking to impose

monetary damages upon Annville Township, its officers, employees, and agents arising out of any alleged failure or breach of duty with respect to Annville 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 sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Annville Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 16. Effective Date.

This Ordinance shall become effective five (5) days after its enactment by the Annville Township Board of Commissioners.

ORDAINED AND ENACTED this ____ day of _____, 2018.

BY ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS

By: _____
Rex A Moore, President

ATTEST:

Nicholas T. Yingst, Secretary

(TOWNSHIP SEAL)

EXHIBIT "A"

ANNVILLE TOWNSHIP MS4 FEE CREDIT MANUAL

Introduction

Credits for qualifying stormwater best management practices (BMPs) are a vital component of every stormwater fee structure. Annville Township (hereinafter "Township"), through the Annville Township Authority, shall consider and provide appropriate exemptions or credits for properties which have installed and are maintaining stormwater 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. 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 MS4 fee.

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

Disclaimer

By submitting an MS4 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 BMPs constructed, installed or employed by the property owner. The 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 the Township, its officers, agents, and employees from any and all claims, actions, causes of action, judgment, damages, losses, cost, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMPs. The property owner will be required to record an operation and maintenance agreement in accordance with Appendix 23-A of Chapter 23 (Stormwater Management) of the Annville Township Code of Ordinances before credits are issued for any and all BMPs on the subject property.

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. For the purposes of this credit policy, BMPs eligible for credits are listed below.

Credit: An MS4 Fee reduction that a Property Owner receives for implementing and complying with the practices and policies adopted by Annville 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 any impervious surface. A parcel classified as "Vacant Land" (or some similar form thereof) per data from the Lebanon County Assessment Office shall be classified as a Developed Parcel if there is Impervious Surface on the parcel.

Equivalent Residential Unit (ERU): The measure of impervious ground cover for a typical residential property used in assessing fees for each parcel of property and which is determined to be 5,227 square feet.

Impervious Surface: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surface includes all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, stone, or gravel, in accordance with Sections 201, 301, and following of the Township's Stormwater Management Ordinance.

MS4 Fee: A fee to be collected from each Developed Parcel in Annville Township and used to cover the cost of the Township's Stormwater management program.

Non-Residential Parcel: Any Developed Parcel not fitting the definition of Residential Parcel, or not classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Non-Residential Parcels include, but are not limited to, apartments with four or more units, 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, nursing homes, senior retirement facilities, office buildings, public utilities, government properties not owned by Annville Township or one of its Authorities, and mixed-use properties including those with a classification of "Residential w/ some comm." per data from the Lebanon County Assessment Office. A Developed Parcel meeting the definition in the two previous sentences that is not listed on the tax rolls for Annville Township but has Impervious Surface in Annville Township will be considered a Non-Residential Parcel for its Impervious Surface in Annville Township. A parcel that is owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property for which no more than three residential rental licenses are issued will be considered a Residential Parcel until this residential purpose changes.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, public utility, society or group owning real property in Annville Township; also may be referred to as "property owner" or "land owner."

Residential Parcel: Developed parcel on the tax rolls of Annville Township containing Impervious Surface classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Residential Parcels include single-family houses, single-family units, duplexes, manufactured homes and mobile homes located on individual lots or parcels of lands, and parcels that are owned by a Non-Residential

Owner but used for a residential purpose such as a church parsonage or a residential rental property, provided that no more than three residential rental licenses are issued for the parcel.

Stormwater: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Application Procedure

Before applying for credit, the account associated with the subject property must be current. The MS4 credit application form included in this credit manual must be submitted along with all required information and attachments to the Township in hardcopy. Township delegated agents will review the application to determine if it is administratively complete within 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 credit are met, and will issue a recommendation for approval or denial to the Annville Township Authority. The Annville Township Authority will decide whether to approve or deny the credit at the next regularly scheduled meeting following the issuance of 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, the full amount of which will be divided by four and assessed equally to future bills.

Design Standards

All credited BMPs shall comply with the design standards presented for that BMP in the Pennsylvania Stormwater Best Management Practices Manual in Chapter 23 (Stormwater Management) of the Annville Township Code of Ordinances. Credited BMPs must, at a minimum, be able to treat the volume of stormwater directed to the BMP during the two-year, 24-hour storm as calculated using the Soil Cover Complex Method and the specifications of Section 23-308 (Stormwater Management) of the Annville Township Code of Ordinances.

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 strips¹ for stormwater treatment. Each of these shall have an efficiency coefficient of 0.10.

Tier II BMPs are those which provide greater pollutant reduction and thus greater benefits to the local stream health. These BMPs are generally more complex than those in Tier I. The Tier II BMPs are:

<u>BMP Type</u>	<u>Efficiency Coefficient (EC)</u>
• Wet Ponds and Wetlands	0.60
• Infiltration Practices	0.95
• Filtering Practices (Manmade Filter Structures) ²	0.10
• Bioretention / Rain Gardens	0.55

Fee credit shall be calculated as follows:

$$\text{Imp. Area Treated}/5227 * \text{EC} * \text{Fee per ERU } (\$10) = \text{Credit } (\$)$$

Where Imp. Area Treated/(Applic. # ERUs * 5227) shall not exceed 1.0.

- NOTES:
1. Filter Strips shall demonstrate meeting the requirements of the example provided at the end of this appendix. All other BMPs shall be designed in accordance with the PaDEP Stormwater Manual.
 2. Efficiency coefficients for manmade filters may be as high as 0.80 provided appropriate documentation is provided to and approved by the Township Engineer.

EXHIBIT "B"

ANNVILLE TOWNSHIP MS4 CREDIT APPLICATION FORM

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Mailing Address: _____

Email Address: _____

Address of Property that is the Subject of this Application (if different from the address above); please include the tax parcel identification number, if available: _____

Property Classification:

- Residential
- Non-Residential

BMP Classification (check all that apply):

- Tier 1 BMPs: Dry Detention Basin
 Filter Strip for Stormwater Treatment
- Tier 2 BMPs: Wet Ponds and Wetlands
 Infiltration Practices
 Filtering Practice (Manmade Filter Structures)
 Bioretention Basin / Rain Garden

Description of 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 application.

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

-----**FOR OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE)**-----

Date form received: _____ Date reviewed by Township Authority: _____

Approved? ____ Disapproved? ____

EXHIBIT "C"

ANNVILLE TOWNSHIP
MS4 FEE APPEAL FORM

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Mailing Address: _____

Email Address: _____

Address of Property that is the Subject of this Appeal (if different from the address above);
please include the tax parcel identification number, if available: _____

Type of Appeal:

- Incorrect Property Classification (Residential vs. Non-Residential)
- Incorrect ERU Calculation for Non-Residential Property
- Other

Description of Appeal: _____

Is supporting information attached? Supporting information is required for an appeal for an incorrect ERU Calculation for a Non-Residential Property and may be required for other types of appeals.

- Yes
- No

-----FOR OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE)-----

Date form received: _____ Date reviewed by Township Authority: _____

Approved? ____ Disapproved? ____