

# City of Kennesaw

## Stormwater Utility Credit Manual



Stormwater utility credits recognize efforts by private and public entities to help reduce stormwater management costs by reducing their stormwater utility fee.

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## **SECTION 1 – GENERAL INFORMATION**

Stormwater utility credits recognize efforts by private and public entities to help reduce the City's Stormwater Management Program (SWMP) costs by reducing their Stormwater utility fee. Credits are generally reviewed and considered annually and support the City's regulatory program compliance activities. Credits are typically given for detention facilities, best management practices (BMPs), open space and green space preservation in addition to other activities such as determined/defined by the City.

This manual outlines the criteria and procedures stormwater utility customers should follow to secure and maintain credit(s) for their property. Approved credit(s) will result in a reduction of the customer's stormwater utility fee. The credit is only applicable for instances where stormwater management best management practices (BMPs) are operated and maintained to reduce the impact of runoff from the subject property on the City's stormwater systems or in recognition of activities undertaken by the customer to reduce the cost of operating the stormwater management program.

### **Definitions**

The definitions included in Chapter 46, Stormwater Utility & Environmental Ordinance will be adopted herein by reference.

## **SECTION 2 – STORMWATER CREDIT(S)**

Credits are only applied to eligible customers that meet the appropriate criteria set forth in this manual and continue to maintain the appropriate criteria throughout the term of the credit period. Since the stormwater utility fee is being assessed on an individual parcel basis, a group of customers cannot apply for a credit unless otherwise noted. An eligible customer shall be the legal owner of a property or operator which has the primary/legal responsibility for operation and maintenance of a qualifying stormwater BMP located on the same property or development.

Applications for a stormwater credit for existing facilities may be submitted to the Director at any time. Approved credits will be applied to the customer's next stormwater utility fee bill following approval.

- If a group of customers are served by a BMP(s) then credit will be applied to the eligible property owner/customer on whose property which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another customer for which the BMP(s) provides adequate treatment for the applicable credit, the City will apply the full credit to each customer named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever is sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.
- A residential homeowner's association (HOA), or a common development such as a multi-family apartment complex, which has its own properly designed, constructed, and maintained stormwater BMP(s) are eligible for a credit. For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development). BMPs located on City owned property or that are maintained by the City

are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes.

- Applications for credit must be made by the entity responsible for payment of the utility fee. If the entity changes, the new entity must re-apply for the credit whether even if the credit is still active. Information from the previous entity’s credit application may be submitted with the new credit application package.
- Applications for a stormwater credit for new development/construction may be submitted once the BMP is in place.
- The City will, at its discretion, access a customer’s property to inspect BMPs being utilized to obtain a credit in accordance with Chapter 46, Stormwater Utility & Environmental Ordinance. A Right of Entry Form must be signed by the customer to the director (page 13). If the BMP facility is found to be functional and being properly maintained, the credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the credit will be voided on the next billing cycle. Before a credit is reinstated, the property owner will have to reapply for the credit.
- Credits will automatically expire following the applicable credit term. Customers can reapply at any time up to and including 90 days prior to the expiration of the current credit.
- There shall be no limit to the number of times a customer can apply or re-apply for a credit.
- The maximum credit that an account may receive is 40% of the applicable fee.

**Credits Available**

The City has divided the credit policies into two customer categories: residential and non-residential (commercial, industrial, church, government, and educational) customers.

Table 1 summarizes the utility fee credits available to all customers. The ensuing sections of this document provide further details on the various credits, policies, and procedures. The maximum user fee credit that a customer account can receive is 40% off their user fee charge amount.

Table 1: Stormwater Credit Summary

Credit Description	Credit Term	Maximum Credit Allowed	
		Residential	Non Residential
Residential Environmental Technologies	1 year	10%	10%
Rain Barrel	1 year	25%	25%
Low-Impact Parcel	1 year	25%	25%
Septic Tank Maintenance	5 years	10%	10%
Sanitary Sewer Connection	5 years	10%	10%
Stormwater Runoff Discharge Elimination	1 year	n/a	40%
Green Space Preservation	10 years	n/a	20%
NPDES Industrial SW General Permit	1 year	n/a	15%
Unified Stormwater Sizing Criteria	1 year	n/a	35%
Water Resources Education Program (only public & educational institutions)	1 year	n/a	Varies (max) 40%)

**Residential Environmental Technology.** These include, but are not limited to cisterns, rain gardens, and pervious pavements.

**Rain Barrels.** Applicants must provide rain barrels under each downspout of the roof gutter system. If a homeowner is unable to install rain barrels on all downspouts, then they may install rain barrels on ½ of their downspouts and be eligible for one half of the credit value.

- Approved rain barrels shall consist of a water tight barrel with a capacity of 40 gallons or more which results in the interception of runoff from a downspout. Additionally, the rain barrel must have a spigot such that stored runoff water can be drained in a controlled manner at a later time.
- Applicants must provide a sketch of the home showing the location of the downspouts and photographs of the rain barrels installed.

**Low Impact Parcel:** There are several areas in the City where parcels are relatively large and the amount of impervious area, in comparison to the total lot size, is relatively small. These parcels have a reduced impact; whereby, there is a reduction of runoff impacts since most of the parcel is in an undeveloped or low impact condition.

A credit shall apply to customers who can prove, via a survey prepared by a Georgia Registered Land Surveyor that their parcel meets the “low-impact” development criteria presented herein. The low impact parcel credit criteria is summarized in Table 2:

Table 2: Stormwater User Fee Credit Criteria for Low-Impact Parcels	
Parameter	Requirements*
Total Impervious Area (%)	Must be less than 15% of total site area
Total Site Area (Acres)	Must be greater than 2 acres

Each customer applying for this credit shall be responsible for calculating the total site area and impervious surface area. Each customer shall utilize the following procedures:

- Determine the total gross area of the parcel. The gross area must be a minimum of two (2) acres.
- Determine the total impervious area for the parcel. The impervious area shall include the structure, driveway, loading dock, sidewalk (do not include sidewalk in City right of way), pool deck, patio, shed, or any other accessory impervious area. The total amount of impervious surface must be less than 15% of the total gross area. Total gross area includes both pervious and impervious areas: total parcel area (TPA); impervious area (IA). Calculation: TPA / IA = 15% (or less)

**Septic Tank Maintenance.** Customers with septic systems can receive a credit by having their septic tank pumped out on a regular basis (minimum of every five (5) years). Customers must submit documentation to the Director from a certified licensed hauler of septic wastes.

**Sanitary Sewer System Connection.** Septic tanks and septic tank maintenance can greatly impact water quality through contaminated runoff. The City wishes to encourage citizens and

businesses to help improve the water quality within the City through the use of this credit. This is a onetime 40% credit for five (5) years.

**Stormwater Runoff Discharge Elimination.** The City will credit non-residential customers who can demonstrate that all or some portion of the impervious surfaces on the property does not discharge to adjacent properties or rights-of-way. In order for this credit to be applied, at least 20% of the property and 20% of the impervious area must drain to a single retention facility that will not discharge to adjacent properties or rights-of-way. At a minimum, the documentation attached to the credit application shall include the following:

- Hydrologic Report, at a minimum this report shall include the following:
  - Site map illustrating the drainage patterns of the site
  - Location map of all retention facilities
  - Calculations and figures documenting that the retention facility can hold a minimum volume of runoff equal to two times the volume generated by a 100-year, 24-hour Type II SCS rainfall event draining to the facility
  - Calculations and figures documenting the area of impervious surface on the applicant's property that drains to the retention facility
  - Certification by a Professional Engineer
- Alternatively, a survey documenting that the retention facility can hold 59,242 cubic feet of volume per acre of contributing drainage area can be provided as evidence of the sufficiency of the facility.
- The survey shall contain a drainage area map for the facility and a topographic survey of the facility with supporting calculations of the necessary volume.
- Additionally, the survey shall contain calculations and figures documenting the area of impervious surface on the applicant's property that drains to the retention facility.

**Green Space Preservation.** The City will grant a credit for those NRES customers who provide for Green Space Preservation. In order for this credit to be applied to the customer, at least one acre of contiguous green space that meets the requirements of a conservation use assessment under OCGA Section 48-5-7.4 must be preserved. Generally, lands that qualify for conservation use assessments include but are not necessarily limited to:

- Lands utilized for subsistence or commercial farming
- Environmentally sensitive lands
- Federally recognized Wetlands
- Groundwater recharge areas identified by the Georgia DNR
- Lands containing Federally Endangered Species
- Undeveloped lands within Stream buffers
- Constructed stormwater wetlands

**NPDES Industrial Stormwater General Permit Compliance.** By complying with NPDES Industrial Stormwater General Permit requirements for industrial facilities, nonresidential customers are helping the City address potential water quality issues onsite before they are discharged into the public drainage system and/or Waters of the State. If the non-residential customer has properly secured coverage under the NPDES Industrial Stormwater General Permit, and is in compliance with all applicable requirements (i.e. development and

implementation of a Stormwater Pollution Prevention Plan (SWP3)), a credit application may be filed with the City. The applicant must complete the application and include the required documents that verify compliance with the NPDES Industrial Stormwater General Permit.

- Copy of the current NPDES Industrial Stormwater Permit Notice of Intent (NOI)
- Copy of the annual report of compliance
- Copy of the SWP3
- Certification by the responsible party/permit holder that the NOI is current and the SWP3 is being implemented

**Unified Stormwater Sizing Criteria.** The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria are intended to be used in conjunction with the others to address the overall stormwater runoff impacts from a development site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100 year storm).

The four stormwater runoff treatment levels associated with the unified stormwater sizing criteria include water quality, channel protection, overbank flood protection and extreme flood protection. Table 3 presents each treatment level with a description of each, as provided in the GSMM.

<b>Table 3: Unified Stormwater Sizing Criteria</b>		
<b>Treatment Level</b>	<b>Maximum Available Credit</b>	<b>Criteria Description</b>
Water Quality	10%	Treat the runoff from 85% of the storms that occur in an average year. Per the GSMM, this equates to providing water quality treatment for the runoff resulting from a rainfall depth of 1.2 inches. Reduce average annual post-development TSS loadings by 80%.
Channel Protection	10%	Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
Overbank Flood Protection	10%	Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
Extreme Flood Protection	10%	Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the utility fee credit application for the term specified in this Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

**Water Resources Education Program.** This credit is available to public or private educational schools, grades 1-12 that teaches as part of their official curriculum, the WaterWiseTM Program, EnviroScape program, GLOBE (Global Learning and Observation to Benefit the Environment) program, Project WET, or another such program approved by the Director that educates students on the importance of surface water, ground water and stormwater resources, and how they play a role in preserving and restoring the physical, chemical, and biological integrity of the water resources.

### **SECTION 3 - CREDIT APPLICATION PROCESS**

Anyone seeking to apply for a credit(s) must submit a completed application package with all applicable support documentation to the Director. The procedure for submitting a credit application package is as follows:

Any stormwater management system designed and constructed within the City must adhere to the requirements set forth in the City of Kennesaw Code of Ordinances, and applicable design standards, including the GSMM as both may be amended from time to time.

- Step 1. Determine if the applicant qualifies for a credit.
- Step 2. Complete the appropriate credit form (residential or nonresidential) along with all required supporting documentation required.
- Step 3. Submit the completed credit application with all sections appropriately filled out, attach all the required supporting documentation along with a signed, notarized Right of Entry Form to the Director.
- Step 4. The Director will review the application and notify the applicant within 30 working days of receipt and notify the owner by mail of the final decision. If the application is approved, the credit will be applied to the next billing cycle.

Stormwater credits, with the exception of the three credits as shown in Table 1, expire automatically at the end of one year of the approval date. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the City.

The decision of the Director may be appealed by the owner in accordance with the procedures set forth in Section 46-12 of the City of Kennesaw Code of Ordinances, as may be amended from time to time.

**Stormwater Utility Credit Application Forms.** Stormwater utility fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.



- Residential stormwater utility fee credit application – pages 9 & 10
- Non-residential stormwater utility fee credit application – pages 11 & 12
- Right of Entry Form – page 13

## ***Stormwater Utility Residential Credit Application Form***

**Instructions:** This form (2 pages) must be completed and signed by the property owner or his/her authorized agent with authority to execute instruments for the customer account.

The completed application and all required documentation must be submitted in one package in order to be considered for a credit by email: [publicworks@kennesaw-ga.gov](mailto:publicworks@kennesaw-ga.gov), mail or delivered to the Public Work Department, 3080 Moon Station Rd., Kennesaw, GA 30144.

Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Parcel No. \_\_\_\_\_

Mailing address if different from above:

\_\_\_\_\_

Signature: \_\_\_\_\_

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account (must be attached).

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City of Kennesaw Comments

\_\_\_\_\_ Approved:

\_\_\_\_\_ Denied

If denied, reason:

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

Reviewed by: (Name & Title) \_\_\_\_\_ Date: \_\_\_\_\_

## **Stormwater Utility Residential Credit Application Form**

**Place a check next to the credit being requested**

Residential Environmental Technologies	<input type="checkbox"/>
	<input type="checkbox"/>
Rain Barrel	<input type="checkbox"/>
	<input type="checkbox"/>
Low-Impact Parcel	<input type="checkbox"/>
	<input type="checkbox"/>
Septic Tank Maintenance	<input type="checkbox"/>
	<input type="checkbox"/>
Sanitary Sewer Connection	<input type="checkbox"/>

**Additional Information:** \_\_\_\_\_

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## Stormwater Utility Non-Residential Credit Application Form

**Instructions:** This form (2 pages) must be completed and signed by the property owner or his/her authorized agent with authority to execute instruments for the customer account.

The completed application and all required documentation must be submitted in one package in order to be considered for a credit by email: [publicworks@kennesaw-ga.gov](mailto:publicworks@kennesaw-ga.gov), mail or delivered to the Public Work Department, 3080 Moon Station Rd., Kennesaw, GA 30144.

Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Parcel No. \_\_\_\_\_

Mailing address if different from above:

\_\_\_\_\_

Signature: \_\_\_\_\_

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account (must be attached).

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City of Kennesaw Comments

\_\_\_\_\_ Approved:

\_\_\_\_\_ Denied

If denied, reason:

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

Reviewed by: (Name & Title) \_\_\_\_\_ Date: \_\_\_\_\_

## Stormwater Utility Non-Residential Credit Application Form

Place a check next to the credit being requested

<input type="checkbox"/>	Rain Barrel
<input type="checkbox"/>	Low Impact Parcel
<input type="checkbox"/>	Stormwater Runoff Discharge
<input type="checkbox"/>	Septic Tank Maintenance
<input type="checkbox"/>	Sanitary Sewer Connection
<input type="checkbox"/>	Green Space Preservation
<input type="checkbox"/>	NPDES Industrial Stormwater Permit
<input type="checkbox"/>	Unified Stormwater Sizing Criteria
<input type="checkbox"/>	<i>Water Quality</i>
<input type="checkbox"/>	<i>Channel Protection</i>
<input type="checkbox"/>	<i>Overbank Flood Protection</i>
<input type="checkbox"/>	<i>Extreme Flood Protection</i>
<input type="checkbox"/>	Water Resources Education Program

Additional Information: \_\_\_\_\_

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## RIGHT OF ENTRY AGREEMENT

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the **City of Kennesaw**, a municipal corporation ("City"), and \_\_\_\_\_ ("Owner").

WHEREAS, the Owner owns the real property legally described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, the City and /or its Contractor/agent desires to enter the Property for the purposes of Stormwater Utility Inspection, and the Owner desires to permit the City to enter the Property for said purpose;

NOW, THEREFORE, in consideration of the terms and conditions herein stated, City and Owner agree as follows:

1. Owner hereby grants the City and its agents the right of entry for the purpose of performing necessary evaluations of onsite stormwater facilities, controls and site activities related to stormwater utility credit evaluation on the Property legally described on Exhibit A attached hereto.
2. This Agreement shall terminate \_\_\_\_ days from the date referenced above, unless the owner approves the extension of this Agreement by written amendment hereto.
3. The City shall comply with all applicable governmental laws, ordinances, rules, and/or regulations in exercising the privileges granted herein.
4. This right of entry is subject to all valid rights existing in the Property as of the effective date of this agreement. Owner reserves the right to grant others the privilege to use the Property and the parties specifically agree that this Agreement is not exclusive.
5. To the extent authorized by law, the City shall indemnify, defend and hold Owner harmless from and against any claims, loss, costs, legal action, liability, or expense on account of personal injury to any persons or damage to or destruction of property, resulting from the City or its agents negligent exercise of the rights herein granted, excepting only to the extent such claims, costs, damage, injury or expense are not caused by the negligence of the City.

Owner: \_\_\_\_\_

City: \_\_\_\_\_

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

\_\_\_\_\_  
Notary

\_\_\_\_\_  
My Commission Expires