



ADAMS COUNTY

Colorado

Stormwater Utility Credit Eligibility Report

Final Report | January 14, 2014

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1. RECOMMENDED CREDIT PROGRAM

Through its stormwater user fee credit program, Adams County's stormwater utility aims to encourage technical design and maintenance of stormwater best management practices (BMPs) that reduce the impact of runoff from impervious surfaces on the drainage system. Credits will be granted to a property (or properties) on two bases: 1) control of water quantity (peak flow and total volume of runoff), and 2) control of water quality (reducing pollutants, sediment, and/or trash). Additional credit may be granted to properties for stormwater infrastructure maintenance conducted on behalf of the County to ensure the proper function of regional treatment on that property. This simple credit structure accommodates existing stormwater management practices throughout the utility service area, as described in the *Adams County Stormwater Utility Credit Program Analysis*. The credit program was designed to balance incentivizing BMP implementation with minimizing the administrative component. Following are the maximum available credit percentages:

- Water quality credit: 25%
- Water quantity credit: 35%
- Self-maintenance credit: 5% (of impervious area treated)

This document communicates the criteria for credit eligibility, as well as the calculation of credit for different types of BMPs. Procedures for BMP application, review, and approval make up the final section.

2. RECOMMENDED CREDIT ELIGIBILITY CRITERIA

While each property places some demand on the stormwater system, not every property is able to implement BMPs that effectively reduce its demand. This section outlines the basic criteria for eligibility.

2.1 PROPERTY TYPE

In general, credit will only be granted to non-single family properties. In some special circumstances, credit may be granted to a home owners association (HOA) and applied to the single family properties within that organization if the subdivision represented by the HOA has implemented and maintains measures that provide regional treatment.

2.2 CREDIT AMOUNT

The amount of credit given for a BMP will be based on the amount of impervious area for which the practice provides water quantity or quality treatment, in accordance with the County's Development Standards as described in *Storm Drainage Design and Stormwater Quality Regulations* and documents referenced therein.¹

2.3 MAINTENANCE

Ongoing credit will only be able available to properties that maintain their structural controls in fully functional condition, such that they can meet the above requirements, and according to *Storm Drainage Design and Stormwater Quality Regulations* issued by Adams County.

2.4 LOCATION

Credit is not available for any property outside the utility service area (unincorporated Adams County west of Schumaker Rd). Maximum credit does not differ from one property to the next based on proximity to water bodies.

2.5 LOT SIZE

Maximum credit is not contingent upon lot size.

2.6 CREDIT ACCUMULATION

In general, each of the three credit types can be granted at once. The maximum credit for water quality and quantity credits is 60% credit. Under special circumstances, credit beyond the 60% will be granted when a property reduces its demand on the stormwater system in an extraordinary way. A property can qualify for self-maintenance credit when it stores or treats stormwater runoff from other properties or maintains stormwater infrastructure well beyond its adjacent system components. In no case can the total credit exceed 100% of the base stormwater fee for a property.

¹ Adams County Development Standards and Regulations Chapter 9 Storm Drainage Design and Water Quality Control Regulations. Accessed on November 25, 2013 at <http://www.co.adams.co.us/DocumentCenter/Home/View/497>

Credit approval remains at the discretion of the County and may be revoked if the County deems fit to do so.

2.7 CREDIT DURATION

Each credit is granted for a three-year time frame. After that time, property owners may renew their application for credit. As with the initial credit, the renewed credit will be contingent upon proper function of structural BMPs or the continuation of activities to meet credit requirements.

3. CREDITABLE ACTIVITIES/STRUCTURES

The following structures and activities (best management practices, or BMPs) are eligible for credit. Other BMPs may be eligible if they are demonstrated to result in the required level of treatment of runoff.

3.1 WATER QUALITY CREDIT

- Detention basins
- Retention ponds
- Activity, such as regular mechanical sweeping of impervious surfaces
- National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Discharge Permit
- Stormwater Pollution Prevention Plan (SWPPP) and its implementation

3.2 WATER QUANTITY CREDIT

- Detention basins
- Retention ponds

3.3 SELF-MAINTENANCE

- Maintenance of public or regional infrastructure components on private property
- Repair/replacement of public or regional infrastructure components on private property , and
- Routine maintenance of the infrastructure such as removal of debris and leaves

4. MATRIX OF ELIGIBLE PROPERTIES

The following matrix describes how credits are calculated and which properties are eligible.

Outcome	Typical BMPs	Eligible Properties	Maximum Credit	Calculation
Improvements in water quality; Reductions in water quantity	Detention Basins	- Non-Single Family Properties - In special circumstances, Single Family Properties	60%	Percent credit = (60%) * (proportion of impervious area for which 1 in of runoff is treated) Cannot exceed 100% of property fee.
	Retention Ponds			
Improvements in water quality	Activity	- Non-Single Family Properties	25%	Percent credit = (25%) * (proportion of equivalent impervious area for which 1 in of runoff is treated).
Improvements in water quality	Channel Protection	- Non-Single Family Properties	25%	Percent credit = (25%) * (proportion of impervious area that drains to channel)
Improvements in water quality	NPDES Permit	- Non-Single Family Properties	25%	Percent credit = (25%) * (proportion of impervious area covered under permit)
Improvements in water quality	Stormwater Pollution Prevention Plan	- Non-Single Family Properties	25%	Percent credit = (25%) * (proportion of impervious area covered under SWPPP)
Reduction in utility's maintenance costs	Self-Maintenance Activities	- Non-Single Family Properties - In special circumstances, Single Family Properties	5%	Percent credit = (5%) * (proportion of impervious area that drains through maintained portion of the system)

5. PROCEDURES FOR APPLICATION

To apply for credit, the property owner should submit a letter of request for credit, which includes the following relevant information:

- Owner name
- Owner contact information (mailing address, phone number, email address, etc.)
- Property ID
- Property address
- Anticipated credit type
- Sketch of property, delineation and measurements of creditable impervious area

The above policies and eligibility matrix should be consulted prior to submitting a stormwater fee credit request. Request for credit are to be submitted to the County's Neighborhood Services Department, Stormwater Management Division. Requests must be submitted by April 1st for credit to be considered in the same calendar year.

In addition, each type of credit request requires the documentation listed below.

5.1 DEVELOPMENTS UNDER CURRENT STORMWATER QUALITY AND QUANTITY REGULATIONS

If the letter of request for credit references a BMP that was previously submitted to and approved by the County under the current water quality and quantity regulations, the request need only include a reference number (for the design or as-builts) and documentation of ongoing maintenance activities. County Engineers will contact the applicant if further information is necessary.

5.2 DEVELOPMENTS WITH BMPS PERMITTED PRIOR TO CURRENT REGULATIONS

If the letter of request for credit references a BMP that was constructed prior to the current regulations, the request should include calculations and documentation that demonstrate the runoff control achieved by the BMP as well as maintenance records to demonstrate that the BMP is well-maintained.

5.3 SELF-MAINTENANCE

Requests for self-maintenance credit should include a map or sketch of the property, stormwater system components, general drainage patterns including the area draining to the structures and area protected from flooding if applicable. The applicant should also include a complete list of maintenance activities performed along with documentation of timing, effort or cost expended, maintenance contracts or agreements, receipts, etc. Photo documentation of the maintained stormwater system components should be included.

5.4 NPDES & SWPPP

When requesting stormwater credit based on possession of an NPDES permit or implementation of an SWPPP, attached to the letter, the applicant should include a copy of the permit or plan and any supplemental materials detailing specific plans, schedules, and expected results for compliance.

6. PROCEDURES FOR APPEAL

Should an applicant be denied credit on his stormwater fee, he has the opportunity to appeal the decision through the process described below. Before beginning the appeal process, an applicant should contact the Adams County Stormwater Hotline at 720.523.6400 if further information is needed regarding why an application was denied.

6.1 APPEALS PROCEDURE

To appeal a credit decision, the applicant must submit a letter to the Stormwater Management Division within 30 days of the decision. The letter should describe the circumstances of the appeal and should further explain ways in which the customer disagrees with the Division's decision not to grant credit for a property. Any additional information in support of the appeal may be included in the letter or as an attachment.

6.2 FINAL DECISION

Once all documentation has been received by the Division, the Director will review the materials. If a site visit is necessary, the property owner will be contacted to schedule a visit. The Director may send a County engineer or other qualified individual to conduct a further review of the site.

Based on all available information, the Director will make the final decision within 60 days of receiving the appeal. The property owner will receive, in writing, the decision and supporting rationale.

6.3 THIRD PARTY REFEREE

The Stormwater Utility resolution allows customers to appeal the Department's final decision to a third party referee. At the request of the property owner, which must occur within thirty (30) days of the date of the final decision, the Division will supply this third party with all original and appeal documentation. All third party referee fees are subject to reimbursement by the property owner, at the discretion of the Director.

6.4 FEE ADJUSTMENT & TIMING

If the appeal is decided in the applicant's favor, the stormwater fee will be adjusted retroactively to the first bill following the original application. An adjustment will appear as a credit on the customer's account, and any positive balance will be handled in accordance with existing regulations. The credit will then expire after the stated time period, beginning on the date of the original application.