



Stormwater Utility Study ADJUSTMENTS AND CREDITS POLICY MANUAL

for the City of
HUTCHINSON, KANSAS

March 11, 2015

**CDM
Smith**

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Section 1

Introduction

The purpose of this manual is to describe the policies set forth by the City of Hutchinson concerning stormwater management fee credits (Credits) and stormwater management fee adjustments (Adjustments). The City of Hutchinson established a Stormwater Utility Fee by Ordinance 49 (October 26, 2012) amended by Ordinance 2015-10 (March 20, 2015), collectively referred to below as the Stormwater Utility Ordinance. The Stormwater Utility Ordinance provides the City with the authorization to establish and collect fees for the services and Control Measures provided by the City. Opportunities for Credits and Adjustments were also created in the Stormwater Utility Ordinance and this manual provides technical and administrative assistance in applying for them.

The remainder of this section defines terms used throughout the manual and provides background on stormwater management. Section 2 details the process for Stormwater Fee Adjustments, while Section 3 describes the details of the Stormwater Fee Credit Policy. Appendices A through D contain applications, instructions, checklists, and relevant City Ordinances to assist customers with Credits and Adjustments.

1.1 Responsibility

The Director of Engineering or designee has responsibility for the operation and maintenance of the Stormwater Utility. The Director of Engineering or designee also is responsible for planning, operations, and management of the Stormwater Management System, compliance with the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permit, and the Stormwater Ordinance. The responsibility for the development of the stormwater utility database resides with Engineering Department.

1.2 Stormwater Management

Development covers land with impervious cover, allowing less stormwater to infiltrate than could under pre-development (natural) conditions. Increased impervious cover leads to larger volumes and higher rates of stormwater runoff, which pose a threat to the public health, safety, and welfare because, if unmanaged, the increased runoff may flood emergency vehicle routes and properties, erode watercourses and channels, and pollute streams and rivers.

Stormwater Management is the practice of managing stormwater runoff in order to avoid water quantity and water quality problems. By mapping, planning, constructing, operating, cleaning, regulating and maintaining natural and constructed stormwater management Control Measures, the City reduces the adverse effects of stormwater and improves the quality of streams, rivers, and lakes in and around the City.

1.3 Stormwater Utility Fees

In order to provide a stable source of funding for the City to provide stormwater services, which benefit owners and occupants of developed land in the City and other City of Hutchinson citizens, the City has established a stormwater utility. The Stormwater Management Fee (Fee) is proportional to the demand for stormwater services as measured by the amount of Impervious Area on a property. Impervious Area is the single most important factor affecting the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from a property.

1.4 Credits and Adjustments

The City has established opportunities for customers to receive Credits and Adjustments in the Stormwater Utility Ordinance. Credits are associated with the construction, operation, and maintenance of privately-owned stormwater Control Measures which meet or surpass the minimum standards required by or incorporated by reference into the City Code and which benefit the City. Adjustments are Fee changes meant to correct errors in the information used by the City to determine the customer's Stormwater Management Fee.

Customers may qualify for Credit when they can demonstrate that their existing or new stormwater Control Measure provides cost savings the City would otherwise incur as part of City stormwater management efforts. Credits may only be applied to the property where the stormwater Control Measure is located. The Control Measure must comply with Section 3 et seq. of this manual and meet or exceed the minimum City requirements for stormwater runoff control, which may be found in the Hutchinson City Code or meet or exceed the requirements in effect at the time the site was approved for development.

At this time, non-residential developed properties are eligible for Credits. The City has also established an appeals process that allows all customers to appeal if they determine their Fee is applied in error as spelled out in the Stormwater Utility Ordinance. Section 2 details the policy for Adjustments while Section 3 details the Credit opportunities available to customers.

Section 2

Appeals for Adjustment

Adjustments may be available to a customer through the appeals process specified in the Stormwater Utility Ordinance. An Adjustment is a change made to a fee to correct an overcharge or an undercharge of a customer's Stormwater Fee. Adjustments are not to be confused with Credits, which are intended to reduce a fee by a percentage reflecting the benefit provided to the City's efforts to operate and maintain the stormwater management system by the customer-implemented stormwater management practices. Adjustment opportunities are detailed below. The reader should not view this document as a sole source but as a guide to assist in interpreting policies set forth in the Stormwater Utility Ordinance. Customers must be subject to a fee for stormwater services provided by the City to be eligible for an Adjustment.

2.1 Impervious Area Measurement Adjustment

The City has applied Reno County Property Appraiser data, GIS technology, and development plan reviews to determine the impervious area for all non-residential properties within the City limits, using both direct measurement for non-single family residential properties and statistical analysis for single-family residential properties. If a customer has reason to believe that the impervious area for a property as reported by the City is incorrect, the customer may appeal to the City using the form in Appendix A of this manual.

2.2 Exemptions

Developed land in the City, whether public or private, is subject to a stormwater fee. However, the City will grant exemptions from stormwater fees for specified properties. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. The following exemptions from stormwater fees are allowed:

1. **Undeveloped Property** - Property having less than 300 square feet of impervious area.
2. **Public Roads** - Improved public streets, not including internal roads within public facilities which have been conveyed to and accepted for maintenance by the State, Reno County, or City of Hutchinson and which are used by the general public for motor vehicle transportation.
3. **Railroad tracks** – Rails, ties, and ballast are exempt from the Fee. However, railroad stations, maintenance buildings or other developed land are not exempted from stormwater fees.
4. **Public Airport Runways/Taxiways** – Airport runways and active taxiways are exempt. However, the remainder of the airport, including the terminal, tarmac, ramp, static aircraft or equipment parking areas, loading/unloading, vehicle parking, maintenance areas or other developed land are not exempted from stormwater fees.

2.3 Process of Appealing for an Adjustment

Adjustments are obtained by participating in the appeals process described above and in the City of Hutchinson Stormwater Utility Ordinance 49 (October 26, 2012) amended by Ordinance 2015-10 (March 20, 2015). Any customer determining that their property qualifies for an exemption or that their Fee is not in proportion to the amount impervious surface on their property may apply for Adjustment by submitting the appeals form in Appendix A to the Director of Engineering or designee. As part of the submission, the customer must provide the City with evidence or justification in writing for the correction of the Fee in question. In some cases, the customer may also be required to submit, at his or her expense, a survey prepared by a registered land surveyor or other information to support the request for an Adjustment. The Director of Engineering or designee will issue a written determination on a particular matter. Once the Director of Engineering or designee has made a determination on the matter, the customer is allowed 15 days (after service of the written decision) to file an appeal with the City Manager.

Customers awarded an Adjustment by the City may be eligible to receive the Adjustment retroactive to January 1, 2016 but in no case longer than one past year. Adjustments will not be awarded for any period preceding Fee inception or preceding the date at which the City judges the stormwater runoff generated from the property is inconsistent with the Fee paid. The one-year retroactive payment policy also applies to cases where the City determines that the Fee for a property is less than it should be based on the amount of impervious surface on the property.

Section 3

Stormwater Fee Credit Opportunities

A customer may be eligible for a credit under the following circumstances: 1) the customer has installed an onsite stormwater Control Measure to the standards specified in this document, 2) the customer holds and is in compliance with an NPDES Industrial Permit, or 3) the customer holds and is in compliance with an NPDES MS4 General Permit. The maximum allowable credit for any combination of the three possible credits is 85 percent, which is the percent of the fee allocated towards Operation and Maintenance (O&M) services and Capital Improvement Projects (CIP). Customers may not receive credits for City program management and administration services.

The rationale of the credit amounts is directly related to the proposed budget components (i.e., Administration, O&M and CIP) of the Stormwater Utility. Credits would only be offered for the 85 percent of the program budget toward O&M and CIP. Thus, credits would only be offered at maximum of 85 percent to those that do not discharge to the city's stormwater system.

The following sections describe the four types of Stormwater Fee Credit opportunities, eligibility requirements, credit enforcement, and the process of applying for the credit program. The reader should not view this document as a sole source but as a guide to assist in interpreting policies set forth in the Stormwater Utility Ordinance. Table 3-1 summarizes credits opportunities.

3.1 Stormwater Control Measure Credit

The Hutchinson City Code mandates engineered stormwater controls to minimize the qualitative and quantitative impacts of runoff and ensure compliance with federal point source discharge requirements based on the permit conditions provided in the City's NPDES Permit or for development that disturbs more than one (1) acre including smaller projects that are part of a larger common plan of development or sale. For installing and maintaining stormwater Control Measures meeting or exceeding City requirements specified or incorporated by reference in the Stormwater Utility Ordinance, customers will be eligible for a maximum Credit of 30 percent (up to 15 percent for onsite control measures for quantity and up to 15 percent for quality control measures). To qualify, customers must demonstrate that their existing or new stormwater Control Measure controls the volume and quality of stormwater generated from their immediate property (onsite). In addition, the Control Measure must meet or exceed design criteria existing at the time the original site plan was approved outlined in the Hutchinson City Code, effectively reducing City stormwater management costs by reducing the City's stormwater service responsibilities and costs.

Credit opportunities are also available for customers with a stormwater Control Measure that controls runoff from an upstream tributary area, which means a customer is controlling runoff from offsite. A customer controlling runoff from an upstream area is eligible for a maximum credit of 50 percent. The credits available for controlling runoff from offsite are additive with those available for controlling runoff from onsite. For necessary flood control purposes, the City has defined the minimum quantity of offsite runoff to be controlled in order to be eligible for Regional credits is 50 acre-feet. Example calculations for onsite and offsite (regional) credits are provided in Appendix C.

Table 3-1 Maximum Fee Credit Structure for Stormwater Controls

Stormwater Control Type	Stormwater Control Description	Maximum Credit Allowance Percentage
Volume Control – Onsite	Facility designed and constructed to control volume from the site and alleviate downstream flooding.	15% Credit based upon portion of total site being controlled by facility
Quality Control- Onsite	Facility designed to improve water quality per the City's post-construction BMP manual	15% Credit based upon portion of total site being controlled by facility
Regional Volume Control	Flooding is of concern in the City. Facilities designed and approved to alleviate flooding.	50% Credit available for a facility controlling equal to or greater than 50 acre-feet of offsite drainage
Permit Holders	Either a NPDES MS4 Permit or NPDES Industrial General permit	10%
Education Credit	Education and outreach approved by and in support of meeting the City's NPDES Phase II permit.	10%
Zero Discharge	Private systems that either retain all stormwater onsite or outfall outside of the City's stormwater system	85%

3.2 NPDES MS4 Phase II Permit Credit

Customers holding National Pollution Discharge Elimination System (NPDES) MS4 permits will be eligible for a Credit determined by the City on a case-by-case basis, site specific, of 10 percent. The intention is to provide Credit to programs that reduce the burden on the City to provide stormwater services related to its NPDES MS4 Phase II Permit. The NPDES MS4 permit credit may be received in addition to the stormwater Control Measure Credit listed above.

3.3 NPDES Industrial General Stormwater Permit Credit

Customers holding NPDES Industrial General Stormwater permits will be eligible for a Credit to be determined by the City on a case-by-case basis, site specific, of 10 percent. The customer will only be eligible for the Credit if the customer is performing activities that meet or exceed the basic requirements of the NPDES Industrial permit that help the City comply with specific requirements included in its NPDES MS4 Phase II Permit. Customers meeting or exceeding the minimum requirements of their NPDES Industrial General Stormwater Permit will be eligible for a Credit. The NPDES Industrial Permit Credit may also be received in addition to the stormwater Control Measure Credit listed above. However, a customer cannot receive Credit for both the MS4 Permit and the Industrial Permit.

3.4 Education and Participation Credit

Education and Participation credits are offered to customers performing education and outreach activities that are in support of the City's compliance with their NPDES Phase II permit. The City must approve the education program and materials and be able to document their completion for the City's annual report to the Kansas Department of Health and Environment (KDHE). The Education and Participation credit may also be received in addition to the above offered credits not to exceed in total 85 percent.

3.5 Eligibility for Credits

Customers must pay a fee for stormwater services provided by the City, must meet requirements detailed in Section 3, et seq., and must apply the credit to non-residential developed property containing the credited stormwater Control Measure to be eligible for a Credit.

3.5.1 Customers

The Stormwater Utility Ordinance details the manner in which customers will be billed. As defined in Section 1.1 of this manual, a customer is the person or entity receiving a bill for Stormwater Services. Any customer receiving a bill for stormwater services is eligible to receive a Credit if they meet the requirements for a particular Credit specified in Section 3, et seq.

3.5.2 Maintenance Agreement

A customer with a stormwater Control Measure must agree in writing to maintain the credited stormwater Control Measure to City Standards and all other applicable standards and state law in order to be eligible for Credit. Maintenance activities to be performed are detailed in Section 3.5 et seq. Failure to maintain a Control Measure in strict compliance to City Standards will result in the loss of the Credit and possible surcharge to recapture improper credits. The customer with a credited stormwater Control Measure is responsible for notifying the City if the Control Measure is compromised or damaged in any way or is no longer complying with City Standards. The customer with a credited stormwater Control Measure must also notify the City if any repair work is performed that may alter the operation of the Control Measure.

3.5.3 Right of Entry

In order to be eligible for a stormwater Control Measure Credit, an owner of a credited stormwater Control Measure must first agree in writing that City staff have permission to inspect Stormwater Control Measures on the owner's property at any time. Inspection procedures are detailed in Section 3.6.2. Failure to permit City inspection shall terminate the Credit.

3.5.4 Existing Stormwater Control Measures

Existing stormwater Control Measures may be eligible for Credit if they meet requirements detailed in Sections 3 et seq. for a particular Credit. Existing stormwater Control Measures must meet or exceed City stormwater runoff control requirements at the time the site was approved and must be maintained in accordance with Section 3.5 to be eligible for a Credit.

3.5.5 Upgrades

Recognizing that the City's stormwater requirements may evolve in future years, the City will not require current recipients of a Credit to upgrade their Control Measures immediately to conform to future changes in City stormwater requirements. However, once a City standard is changed, the City will only guarantee existing credits for a period of five years provided the customer maintains the Control Measure to City Standards and the Control Measure otherwise complies with State law. In the event that a Control Measure has not been upgraded to the new standard at the end of the five-year period, the Credit will be terminated.

3.6 Stormwater Control Measure Maintenance

In order to receive a Credit, a Stormwater Control Measure must be privately maintained in strict compliance to City Standards as defined in Land Development Code where applicable to ensure that the Control Measure functions as credited at all times. Furthermore, customers must document all operation and maintenance activities and provide the City with a report every two years (i.e., bi-annual report) in keeping with City Code, *Chapter 19, Storm Sewer, Sanitary Sewers and Sewage Disposal, Article XII – Stormwater Management, Section 19-1207(b)*. Required maintenance activities are described in the following sections. More information concerning maintenance may be found in the Hutchinson City Code.

3.6.1 Required Stormwater Control Measure Maintenance

The following stormwater Control Measure maintenance activities are required for a customer to be eligible for a Stormwater Control Measure Credit. These activities are required to ensure that the Control Measure performs as credited, complies with the requirements of the Hutchinson City Code, meets safety standards, and is not a public nuisance. Maintenance activities are required on all drainage structures related to the Control Measure, including the dam, fore bays, inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, etc. The owner of a credited stormwater Control Measure must comply with all applicable maintenance practices below that are relevant to the credited Control Measure. The following list is not intended to be comprehensive; customers are referred to the Hutchinson City Code and those documents incorporated therein by reference for specific minimum maintenance requirements.

- **Debris and Litter Removal** – This activity must be performed after storm events totaling approximately two inches over a 24-hour period or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.
- **Erosion and Structural Repair** – Side slopes, emergency spillways, and embankments all may periodically suffer from slumping and erosion. Regrading, revegetating, compacting and/or installing or replenishing rip-rap may be required to correct erosion problems that develop.
- **Mowing** – Side slopes, embankments, emergency spillways, and other grassed areas of stormwater Control Measures should be periodically mowed to prohibit woody growth and to prevent grass from growing over twelve (12) inches in height. More frequent mowing may be required in residential areas by adjacent homeowners or to meet Hutchinson City Code. Native grasses, which are water-tolerant, pest-tolerant, and slow growing, are recommended.
- **No Blockages** – Remove sediment or any blockage from pipes, channels, spillways, inlets and outlets as needed to keep the Control Measure in proper working condition.
- **Nuisance Control** – Standing water or soggy conditions within a “dry” stormwater Control Measure can create nuisance conditions for nearby residents, as defined in the Land Development Code. Common nuisance conditions may include odors, mosquitoes, litter, and weeds. Regular maintenance to remove debris and ensure control structure functionality is required to control these potential problems. In addition, well-maintained and established wetland plants in wet detention ponds or bird nesting boxes around the pond can provide a habitat for birds and predacious insects and fish that can actively serve as a natural check on nuisance insects such as mosquitoes. Cyclical alteration of the water level in the pond or installation of aeration/agitation features will also disrupt most unwanted larval growth.

- **Outlet Control** – Maintain outlet control devices to ensure proper functioning in the control of stormwater velocities at the outlet of the stormwater Control Measure. Re-vegetating and/or replenishing or installing rip-rap may be required to correct erosion problems at the outlet of stormwater Control Measure pipes.
- **Removal of Log Jams and Debris** – All stream and ditches within the stormwater system should be inspected periodically for blockages. If identified, the blockages and debris should be removed as quickly as practicable.
- **Sediment Removal** – This activity is to be performed as needed or as required by the City to ensure proper working order of the Control Measure and its related stormwater Control Measure features (channels, pipes, etc.). Sediment removal is also required to maintain the required storage volume according to the Hutchinson City Code and those documents incorporated therein by reference.
- **Structural Repairs and Replacement** – Eventually, stormwater control structures will deteriorate and must be replaced. Major structural damage to outlet structures (i.e. cracks, leaks, or failure) must be repaired as soon as possible.

3.7 Enforcement

Inspections and bi-annual documentation are the primary methods employed to monitor Credits. Failure to maintain and operate the stormwater Control Measure in strict compliance with City will result in the loss of the credit and possible surcharge to recapture improper credits. All credited stormwater Control Measures are subject to nuisance ordinances of the City as well.

3.7.1 Bi-Annual Documentation

Every two years documentation (as measured from the date the Credit application was approved by the City) must be submitted to the City to continue receiving a Credit. The required documentation consists of the following:

- Recently dated photographs showing the condition (including any known damage or disrepair) of a stormwater Control Measure. For stormwater ponds and other devices, these photos should include views of the outlet structure, all side slopes, vegetated littoral zones, a view from the downstream channel looking upstream at the dam and emergency spillway, a view from the dam showing the condition of the downstream channel, and a view of areas designed to catch sediment (if possible).
- Records demonstrating that required maintenance activities have been completed.

3.7.2 Control Measure Inspections

Each customer that has applied for and received a Credit for a stormwater Control Measure has the private responsibility to inspect and repair their Control Measure to ensure that it is functioning as credited. In addition, the City reserves the right to inspect stormwater Control Measures receiving a Credit at any time. If the field inspection proves that any of the bi-annual documentation submitted for continuation of the Credit is not accurate, or the Control Measure is not Maintained, or if the Control Measure is not operating as credited, the Credit will be forfeited, and the customer must repay the City in the form of a surcharge the amount of Credit received during the period for which the City determines the stormwater Control Measure was out of compliance.

Inspections will be performed at the discretion of the City to assure that a Control Measure is operating as credited (no blockage due to excessive sediment accumulation, logs, or debris). Annual inspection is possible with additional inspections of problematic areas following large storm events (two inches of rainfall or more over a 24-hour period).

3.8 Credit Application for New Stormwater Control Measures

The following sections present the typical Credit application process for new and existing stormwater Control Measures. The steps described in Section 3.8.1 are recommended to expedite the application process. Steps described in Sections 3.8.2 through 3.8.4 are required to be eligible for any Credit.

3.8.1 Preliminary Interaction with the City

Since the calculations and hydrologic analyses involved in the design of a stormwater Control Measure are complex, a Professional Engineer registered in the State of Kansas must design the new stormwater Control Measure, or must certify the review of any existing Control Measures or proposed Control Measure upgrades. The public is encouraged to discuss the proposed stormwater Control Measure with the City of Hutchinson Engineering Department to maximize potential credit opportunities and benefits to the City. The Engineering Department will evaluate how a proposed stormwater Control Measure will fit into the drainage scheme of the City, based on their general knowledge and the results of stormwater master planning performed for the City's drainage basins, allowing them to provide valuable insight to one designing a Control Measure or to one owning an Existing Control Measure to determine what Credit is available. The City determines the final amount of Credit based on the policies of this manual.

3.8.2 Perform Hydrologic Analysis and Design Control Measure

If a customer decides to install a stormwater Control Measure, a Professional Engineer licensed in the State of Kansas must perform a hydrologic/hydraulic analysis and design a stormwater Control Measure that will achieve the level of Credit desired by the customer. Customers seeking Credit for an existing Control Measure should refer to Section 3.9.

3.8.3 Complete Application

The customer should follow the instructions to fill out the application in Appendix B.1. This application will be submitted to the City for final Credit determination. A checklist for submitting a complete application to the City is included in the application form. If approved by the City, any Credit awarded will appear on the billing cycle within 90 days or less from when the stormwater Control Measure was fully constructed and approved by the City. Credits will be retroactive to the date the stormwater Control Measure is approved by the City.

3.8.4 Construction of a New Stormwater Control Measure

If an application is successful, the customer must construct the new stormwater Control Measure before the Credit takes effect. The customer must also provide an "as-built" certification to the City which must be sealed by an engineer for all new structures. See City Code, *Chapter 19, Storm Sewer, Sanitary Sewers and Sewage Disposal, Article XII – Stormwater Management, Section 19-1207(b)*.

3.8.5 Inspection of a New or Existing Stormwater Control Measure

The completed new Control Measure or an existing Control Measure may be subject to inspection by the City to ensure that it will perform as credited.

3.9 Credit Application for Existing Stormwater Control Measures

Credit application procedures for existing stormwater Control Measures are similar to those detailed in Section 3.8 for new stormwater Control Measures. The recommendation described in Section 3.8.1 to consult with the City of Hutchinson Engineering Department may still be useful for the owner of an existing stormwater Control Measure that is determining what Credit may be available to them. An engineering analysis as detailed in Section 3.8.2 must be provided for an existing stormwater Control Measure to confirm that it meets or exceeds current City runoff control standards and qualifies for Credit. The application in Appendix B.1 must be submitted along with an engineering report as discussed in Section 3.8.3 and the Control Measure may be subject to inspection as detailed in Section 3.7.2 and Section 3.8.5.

3.10 Credit Renewal

Credits granted to a customer for an existing or new stormwater Control Measure is in effect for two years. In order to continue receiving Credit in future years, a customer must renew their application every two years. Documentation as discussed in Section 3.7.1 must be submitted along with the renewal application in Appendix B.2. If the bi-annual documentation or inspection proves a stormwater Control Measure is not in compliance with City requirements, Credit will be subject to termination and Credit received during any period of non-compliance must be repaid to the City. Appendix B.2 contains detailed instructions for completing the renewal application. Section F of the form provides a checklist is also included with the form to assist the customer.

3.11 Implementation of the Credit

Depending on when an application for a Credit is submitted, whether a stormwater Control Measure is new or existing and/or when a new stormwater Control Measure is fully constructed and approved by the City, implementation may be handled differently as described in the following sections. Generally, it is estimated that applications will take ninety (90) days to process. Successful applications will receive Credits as detailed in Subsections 3.11.1 and 3.11.2.

3.11.1 Credit Applications for New Stormwater Control Measures

Customers submitting a Credit Application for a new stormwater Control Measure will be eligible to receive the Credit upon approval of the application by the City. However, no Credit will be awarded until the stormwater Control Measure is fully constructed and approved by the City.

3.11.2 Credit Applications for Existing Stormwater Control Measures

Customers submitting Credit Applications for an existing stormwater Control Measure may be eligible to receive Credit retroactive to Fee inception or up to one year prior to approval of the application, whichever is shorter. Credit will not be awarded for applications for an existing stormwater Control Measure for any time period preceding Fee inception or for any time period preceding the date at which the stormwater Control Measure was fully constructed and approved by the City. However, customers must be able to prove the existing stormwater Control Measure complies with safety standards and other applicable City code and has satisfied relevant Credit requirements detailed in Section 3 et seq. for the time period(s) in question and has been maintained throughout that time period in order to receive the retroactive Credit.

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Appendix A

Forms, Instructions and Checklists for Adjustments

Appendix A

Forms, Instructions and Checklists for Adjustments

A.1 Appeal for Adjustment Form Instructions

Applicants must fill out the Appeal for Adjustment Form contained in Appendix A.1 and submit the items listed in the Checklist. Please note that the City reserves the right to request additional information if necessary to determine the adjustment.

Applicants should fill out the entire form as completely as possible. The following directions apply to each section of the form.

Section A

Please submit the information requested by the Application including Property Owner, Physical Address, Contact Information and a copy of the most recent Fee from the City of Hutchinson.

Section B

Please submit the information requested concerning the Applicant's Engineer or Surveyor (if applicable) including the Name, Physical Address, and Contact Information.

Section C

Please submit the information requested concerning the Applicant's Property. If the property address is different from the Customer address in Section A, please include in Section C.

Section D

Please list your requested change of impervious area in the appropriate spaces. In addition, please attach all documentation needed to justify your claim for an adjustment. Additional information may include:

- a map of the property
- property measurements
- City of Hutchinson topographic data
- a complete site survey by a registered surveyor or engineer

Section E

A checklist for completion of the application is included in Section E. Please check the boxes next to each item to signify that you have completed the entire form. If the form is not complete, the City may request that you re-submit the form before making a determination on the adjustment.

Section F

Please place your initials in the appropriate spaces to signify that you will comply with the statements in this section. This section must be complete in order for your application to be processed.

Section G

Please sign and date that you have completed the application for an adjustment. If multiple owners exist for the property, all owners must sign this form in order to grant the adjustment.

Section H

Section H is for office use only by City of Hutchinson staff.

Hutchinson Kansas
Engineering
1500 S. Plum
Hutchinson, KS 67501
Telephone: 620-694-2609 e-mail: MicheleS@hutchgov.com

Stormwater Fee Appeal for Adjustment Application

Section A.

APPLICANT INFORMATION

Customer: _____

Primary Location/Street Address: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Section B.

APPLICANT'S ENGINEER or SURVEYOR (if applicable)

Name: _____

Address: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Section C.

PROPERTY INFORMATION (attach a copy of your latest utility bill)

Name of Property (e.g. Development or Subdivision): _____

Parcel Identification Number (PIN): _____

Property Address: _____

Section D.

DETAILS OF THE APPEAL FOR ADJUSTMENT

Type of Property (circle): single-family, multi-family, other residential, non-residential

Currently Billed Impervious Area: _____ square feet

Proposed Impervious Area: _____ square feet

Please include a detailed description of the reason for the adjustment as an attachment to this application. Also, please provide the City with any property maps or measurements that may be needed to determine your adjustment. A detailed topographic survey may be required in some cases at the expense of the Customer.

Section E.**APPLICATION CHECKLIST**

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF): If any information is missing from the request package, you will be asked to complete the request and re-submit. Please note that the City reserves the right to request additional information if necessary.

A copy of your most recent City Stormwater Utility Fee

Complete application form requesting an appeal for Adjustment

Evidence supporting the basis for the adjustments including the opinion of a certified professional engineer or surveyor where applicable

Current City topographic map outlining the property and disputed impervious areas, where applicable

Correct parcel identification number (PIN) - see Section F for instructions on obtaining the PIN for your property

Section F.**CERTIFICATION STATEMENTS**

PLEASE INITIAL THE FOLLOWING STATEMENTS CERTIFYING THAT YOU HAVE READ AND UNDERSTAND EACH ONE:

_____ I hereby certify that the information in this application is truthful and accurate.

_____ I hereby grant the City of Hutchinson access to the property referenced in this document to confirm any of the information stated in this application to determine my adjustment.

Section G.

SIGNATURE(S)

Signed this ____ day of _____, 20____, by the owners of the property.

CUSTOMER'S SIGNATURE(S) - If multiple all must sign.

PRINT CUSTOMER NAME(S), ADDRESS(ES), PHONE NUMBERS(S):

Section H.

OFFICE USE ONLY

Received by the City of Hutchinson, Kansas, this ____ day of _____, 20____.

Application reviewed on this ____ day of _____, 20____.

Application reviewed by: _____

Determination of Adjustment: **Currently Billed Impervious Area:** _____ square feet

Revised Impervious Area: _____ square feet

Retroactive Adjustment Required? (Y or N) ____ If yes, then record Retroactive Date: _____

Appendix B

Forms, Instructions and Checklists for Credits

Appendix B

Forms, Instructions and Checklists for Credits

B.1 Initial Credit Application Instructions

Applicants applying for a Stormwater Facility Credit for the first time must fill out the Credit Application contained in Appendix B.1 and submit the items listed in the Credit Application Checklist. Please note also that the City reserves the right to request additional information if necessary to determine the Credit. Applicants or a Professional Engineer hired by the Applicant should fill out the entire form as completely as possible. The following directions apply to each section of the form.

Section A

Please submit the information requested by the Application including Customer Name, Physical Address, Contact Information and a copy of the most recent Fee from the City.

Section B

Please submit the information requested concerning the Applicant's Engineer including the Name, Physical Address, and Contact Information.

Section C

Please submit the information requested concerning the Applicant's Property for which Credit will be applied. If the property address is different from the Customer's address in Section A, please include in Section C.

Section D

Please indicate the number of acres of onsite drainage area controlled and/or treated by the Applicant's Stormwater Facility by entering the correct amount in the boxes provided. The Applicant shall receive this information from the Professional Engineer that was hired to design the new facility or who has performed the study of an existing facility. The applicant shall submit to the City a detailed topographic map outlining the drainage areas. In addition, the engineer should signify the appropriate design storm events controlled by the Stormwater Facility. For regional credit, please enter the number of acre-feet controlled and/or treated by the regional facility.

Section E

Please signify with a YES or NO in the appropriate box whether an NPDES Industrial or MS4 stormwater discharge permit has been obtained for this property. If so, please describe the elements of the program that help the City comply with the specific requirements included in its NPDES MS4 Phase II Permit in the given box and include a copy of your NPDES Permit and Application with your request for Credit to the City. In addition, please supply the City with any additional information needed to evaluate your program. This information may include documentation of the activities that you perform to stay in compliance with the permit, such as maintenance logs, monitoring information, etc. The negotiated credit for the Customer's additional efforts will be based on the relative benefits offered to the City, based on population served, protection provided, contributing drainage area, or other appropriate metrics.

Section F

A checklist for completion of the application is included in Section F. Please check the boxes next to each item to signify that you have completed the entire form. If the form is not complete, the City may request that you re-submit the form before making a determination on the adjustment.

Section G

Please place your initials in the appropriate spaces to signify that you will comply with the statements in this section. For facilities with multiple owners or customers, the owner having primary responsibility for the management of the facility should sign this section. This section must be complete in order for your application to be processed.

Section H

Please sign and date that you have completed the application for a Credit. If multiple customers exist for the property, all customers must sign this form in order to grant the Credit.

Section I

Section I is for office use only by City of Hutchinson staff.

B.2 Credit Renewal Application Instructions

Applicants applying for a Renewal of an existing credit must complete the Stormwater Fee Credit Renewal Application in Section B.3 and submit the items listed in the Credit Renewal Checklist on the application form. Applicants do not need a Professional Engineer to complete the application. The following sections provide instructions for completing the Credit Renewal form. Most of this information can be copied by the applicant directly from the Initial Credit Application Form.

Section A

Please submit the information requested by the Application including Customer Name, Physical Address, Contact Information and a copy of the most recent City Stormwater Fee.

Section B

Please submit the information requested concerning the Applicant's Engineer including the Name, Physical Address, and Contact Information.

Section C

Please submit the information requested concerning the Applicant's Property. If the property address is different from the Customer's address in Section A, please include in Section C.

Section D

Please indicate the number of acres of onsite drainage area controlled and/or treated by the Applicant's Stormwater Facility by entering the correct amount in the boxes provided. The Applicant shall receive this information from the Professional Engineer that was hired to design the new facility or who has performed the study of an existing facility. The applicant shall submit to the City a detailed topographic map outlining the drainage areas. In addition, the engineer should signify the appropriate design storm events controlled by the Stormwater Facility. For regional credit, please enter the number of acre-feet controlled and/or treated by the regional facility.

Section E

Please signify with a YES or NO in the appropriate box whether an NPDES Industrial or MS4 stormwater discharge permit has been obtained for this property. If so, please describe the elements of the program that help the City comply with the specific requirements included in its NPDES MS4 Phase II Permit in the given box and include a copy of your NPDES Permit and Application with your request for Credit to the City. In addition, please supply the City with any additional information needed to evaluate your program. This information may include documentation of the activities that you perform to stay in compliance with the permit, such as maintenance logs, monitoring information, etc. The negotiated credit for the Customer's additional efforts will be based on the relative benefits offered to the City, based on population served, protection provided, contributing drainage area, or other appropriate metrics.

Section F

A checklist for completion of the application is included in Section F. Please check the boxes next to each item to signify that you have completed the entire form. If the form is not complete, the City may request that you re-submit the form before making a determination on the adjustment. The items in the Renewal Application Form are intended to certify that the facility has been maintained properly throughout the past year and that that facility continues to operate as designed for the Credit.

Section G

Please place your initials in the appropriate spaces to signify that you will comply with the statements in this section. For facilities with multiple owners or customers, the owner having primary responsibility for the management of the facility should sign this section. This section must be complete in order for your application to be processed.

Section H

Please sign and date that you have completed the application for a Credit. If multiple customers exist for the property, all customers must sign this form in order to grant the Credit.

Section I

Section I is for office use only by City of Hutchinson staff.

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Stormwater Fee Initial Credit Application

Section A.

APPLICANT INFORMATION

Customer:

Primary Location/Street Address:

Telephone:

Fax:

E-mail Address:

Section B.

APPLICANT'S REPRESENTATIVE or ENGINEER(if applicable)

Name:

Address:

Telephone:

Fax:

E-mail Address:

Section C.

PROPERTY INFORMATION TO WHICH CREDIT WILL BE APPLIED (attach a copy of your latest utility bill)

Name of Property (e.g. Complex or Development):

Parcel Identification Number (PIN):

Property Address:

Section D.

STORMWATER CONTROL MEASURE CREDIT INFORMATION AND ELIGIBILITY

Total Site Acreage
 _____ Acres
Acres Treated for Credit
 _____ Acres
 _____ Acre-Foot

Check All that Apply to the Property

1. Onsite Attenuation Meeting or Exceeding Current City Code
2. Onsite Stormwater Treatment Meeting or Exceeding Current City Code
3. Regional Attenuation
4. Education
5. NPDES Industrial Permit w/City Supporting Activities
Describe: _____
6. NPDES MS4 Permit w/City Supporting Activities
Describe: _____

- | | |
|--|----------------|
| | ≤15% Reduction |
| | ≤15% Reduction |
| | ≤50% Reduction |
| | ≤10% Reduction |
| | ≤10% Reduction |

	≤10% Reduction
--	----------------

Total Requested Credit:

Maximum is 85% Credit

Note: If applicable, either 5 or 6 can be checked, not both.

Section E.

STORMWATER NPDES INDUSTRIAL AND MS4 CREDIT INFORMATION AND ELIGIBILITY

Do you have an NPDES Industrial or MS4 Stormwater Discharge Permit? (YES or NO)

If YES, please include a copy of your NPDES permit and application with this Credit application.

If you answered YES to the previous question, please list briefly the activities performed by your program. Attach additional sheets as necessary. Also, please include with your application any information the City would need to evaluate your program:

Section F.**APPLICATION CHECKLIST**

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF): If any information is missing from the request package, you will be asked to complete the request and re-submit. Please note that the County reserves the right to request additional information if necessary

- A copy of your most recent City of Hutchinson Stormwater Utility Fee.
- Site plan as-built construction drawings (signed and sealed by a licensed surveyor or engineer) at an appropriate scale, showing the site, topographic details, overland flow paths, all stormwater facilities, and surrounding area
- Detailed hydrologic and hydraulic calculations using the most current available information and methodology approved by the City that accurately describes the runoff through the site.
- Current City topographic map outlining the on-site drainage area, the drainage area upstream and the location of the credited Stormwater Facility.
- A detailed report that clearly describes how the stormwater facility functions for storm events the facility is designed to control for Credit
- A proposed maintenance schedule submitted by the owner of the Stormwater Facility that describes in detail the maintenance activities for the Stormwater Facility

Section G.**CERTIFICATION STATEMENTS**

PLEASE INITIAL THE FOLLOWING STATEMENTS CERTIFYING THAT YOU HAVE READ AND UNDERSTAND EACH ONE:

- _____ I hereby certify that the information in this application is truthful and accurate.
- _____ I hereby certify that I will Maintain the Stormwater Facility referenced in this application, and I will adhere to the approved maintenance schedule attached to this application.
- _____ I hereby certify that the credited Stormwater Facility will continuously meet all City Standards.
- _____ I hereby grant Hutchinson staff access to the property referenced in this document to inspect the facility or facilities proposed for a stormwater fee credit.
- _____ I hereby certify that I will notify City of Hutchinson should any destruction or damage occur to the facility referenced in this credit application that prevents it from performing as credited.

Owner's Signature

Date

(for multiple owners, representative responsible for management shall sign)

Section H.
SIGNATURE(S)

Signed this _____ day of _____, 20____, by the owners of the property.

OWNER'S SIGNATURE(S) - If multiple owners, all must sign.

PRINT OWNER NAME(S), ADDRESS(ES), PHONE NUMBER(S):

Section I.
OFFICE USE ONLY

Received by City of Hutchinson, Kansas, this _____ day of _____, 20_____.

Application reviewed on this _____ day of _____, 20_____.

Application reviewed by: _____

Credit amount awarded to customer:

Onsite Drainage Area Credit (%): _____

Upstream Tributary Area Credit (%): _____

Education (%)

NPDES Permit Credit (%): _____

TOTAL STORMWATER FEE CREDIT: _____

Stormwater Fee Credit Renewal Application

Section A.

APPLICANT INFORMATION

Customer: _____

Primary Location/Street Address: _____

Telephone: _____

Fax: _____

E-mail Address: _____

Section B.

APPLICANT'S REPRESENTATIVE or ENGINEER(if applicable)

Name: _____

Address: _____

Telephone: _____

Fax: _____

E-mail Address: _____

Section C.

PROPERTY INFORMATION TO WHICH CREDIT WILL BE APPLIED (attach a copy of your latest utility bill)

Name of Property (e.g. Complex or Development): _____

Parcel Identification Number (PIN): _____

Property Address: _____

Section D.

STORMWATER CONTROL MEASURE CREDIT INFORMATION

Total Site Acreage _____ Acres

Acres Treated for Credit _____ Acres

_____ Acres

_____ Acre-Feet

Check All that Apply to the Property

- 1. Onsite Attenuation Meeting or Exceeding Current City Code
- 2. Onsite Stormwater Treatment Meeting or Exceeding Current City Code
- 3. Regional Attenuation
- 4. Education
- 5. NPDES Industrial Permit w/City Supporting Activities

≤15% Reduction

≤15% Reduction

≤50% Reduction

≤10% Reduction

≤10% Reduction

Describe: _____

- 6. NPDES MS4 Permit w/City Supporting Activities

≤10% Reduction

Describe: _____

Total Current Credit:

Maximum is 85% Credit

Note: If applicable, either 5 or 6 can be checked, not both.

Section E.

STORMWATER NPDES INDUSTRIAL AND MS4 CREDIT INFORMATION AND ELIGIBILITY

Do you have an NPDES Industrial or MS4 Stormwater Discharge Permit? (YES or NO)

If YES, please include a copy of your NPDES permit and application with this Credit application.

If you answered YES to the previous question, please list briefly the activities performed by your program. Attach additional sheets as necessary. Also, please include with your application any information the City would need to evaluate your program:

Section F.**APPLICATION CHECKLIST**

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF): If any information is missing from the request package, you will be asked to complete the request and re-submit.

- A copy of your most recent City of Hutchinson Stormwater Utility Fee.
- Records demonstrating that required maintenance activities have been completed.
- Certified inspection report complying with the City of Hutchinson Stormwater Ordinance
- Recently dated photographs showing the condition (including any known damage or disrepair) of a stormwater facility. For stormwater ponds, these photos should include views of the outlet structure, all side slopes, vegetated littoral zones, a view from the downstream channel looking upstream at the dam and emergency spillway, a view from the dam showing the condition of the downstream channel, and a view of areas designed to catch sediment (if possible).

Section G.**CERTIFICATION STATEMENTS**

PLEASE INITIAL THE FOLLOWING STATEMENTS CERTIFYING THAT YOU HAVE READ AND UNDERSTAND EACH ONE:

- _____ I hereby certify that the information in this application is truthful and accurate.
- _____ I hereby certify that the Stormwater Facilities and the conditions of the facilities have not been altered since the submittal of the initial application for credit.
- _____ I hereby certify that I will notify City of Hutchinson staff should any destruction or damage occur to the facility referenced in this credit application that prevents it from performing as credited.
- _____ I hereby certify that I have Maintained the Stormwater Facility referenced in this application and have adhered to the approved maintenance schedule contained in the initial credit application.
- _____ I hereby certify that I will continue to Maintain the Stormwater Facility referenced in this application and will adhere to the approved maintenance schedule contained in the initial credit application.
- _____ I hereby grant City of Hutchinson staff access to the property referenced in this document to inspect the credited Stormwater Facility or Facilities proposed for a stormwater fee credit.

Owner's Signature

Date

Section H.
SIGNATURE(S)

Signed this _____ day of _____, 20____, by the owners of the property.

CUSTOMER'S SIGNATURE(S) - If multiple customer, all must sign.

PRINT CUSTOMER NAME(S), ADDRESS(ES), PHONE NUMBERS(S):

Section I.
OFFICE USE ONLY

Received by City of Hutchinson, Kansas, this _____ day of _____, 20_____.

Application reviewed on this _____ day of _____, 20_____.

Application reviewed by: _____

Credit amount awarded to customer:

Onsite Drainage Area Credit (%): _____

Upstream Tributary Area Credit (%): _____

Education (%)

NPDES Permit Credit (%): _____

TOTAL STORMWATER FEE CREDIT: _____

Appendix C

Example Credit Calculations

Appendix C

Example Credit Calculations

The method for calculating a credit will depend on many factors, such as upstream drainage area, the existence of a primary drainage system component on a property, and the extent to which a facility provides runoff control during storm events. The example contained in this section are intended to familiarize customers with concepts governing the credits and the manner in which they are calculated so that they might be able to determine the approximate amount of credit that may be available to them. This example applies to nonresidential developed property.

C.1 Relevant Equations

Equation 1
$$Fee = \left(\frac{IA}{ERU} \right) * MR$$

- Fee = Monthly Stormwater Fee
- IA = Impervious Area (square feet, ft²)
- ERU = Equivalent Runoff Unit (3,120 ft²)
- MR = Monthly Rate for an ERU (\$ per ERU per month)

Equation 2
$$AF = Fee * \left(1 - \frac{C}{100\%} \right)$$

- AF = Adjusted Fee
- Fee = Monthly Stormwater Fee
- C = Credit (%)

C.2 Example Credit Calculation (Onsite)

Assume the property owner has implemented a facility that meets or exceeds the required volume for all or portion of the site, they may be eligible for Credit as discussed in Section 3.1.

For example, assume that a property containing a shopping mall is to be built and has a total area of 6 acres, 5 of which are impervious cover. The ERUs are rounded to the nearest tenth. Using Equation 1 and an assumed rate of \$4.75 per month per ERU, the Fee is computed as follows:

$$Fee = \left(\frac{5 \text{ acres} * 43,560 \frac{ft^2}{acre}}{3,120 ft^2} \right) * \$4.75 /ERU/month$$

$$\text{Fee} = 69.8 \text{ ERUs} * \$4.75/\text{ERU}/\text{month}$$

$$\text{Fee} = \$331.55 \text{ per month}$$

This amount is the fee paid by an owner that meets minimum requirements detailed in the Stormwater Ordinance. Currently, the City requires owners to implement a Stormwater Facility that controls onsite stormwater runoff volume and quality. A facility designed to attenuate onsite runoff quantity that meets or exceeds City standards over the whole site is eligible for 15% stormwater facility credit as detailed in Section 3.1 (15% for the attenuation). In addition, the property has stormwater facilities that provides onsite stormwater runoff treatment that meet or exceed city standards for half (50%) of the site. Thus, the property owner would be eligible for all of the 15% credit for attenuation and half of the 15% credit (7.5%) for the treatment. Assuming the Credit is approved by the City, Equation 2 yields the following adjusted Fee:

$$AF = \$331.55 * \left(1 - \frac{(15\% + 7.5\%)}{100\%} \right) \text{ or}$$

$$AF = \$256.95 \text{ per month}$$

In this case, installing a runoff attenuation pond and water quality treatment facilities that meets or exceeds City requirements provides a savings of \$74.60 per month off the owner's original fee. Additional savings could be available, if the owner chose to treat the remaining half of the impervious area.

C.3 Example Credit Calculation (Regional)

In the context of the City of Hutchinson's need to address basin flooding, the City has defined regional facilities as those that control 50 acre-feet or greater. Where applicable, City basin models may define the flood control volumes to provide downstream reductions necessary to alleviate flooding. First check with the City for the most recent quantities. Available credit, as defined in Section 3.1 is up to 50 percent.

If the City identified reduction to alleviate downstream flooding in the basin is a quantity of 150 acre-feet and the property owner's facility provided for 75 acre-feet of the needed 150 acre-feet, they would be eligible for half of the 50 percent credit offered for regional controls.

For example, assume that a non-residential property has a total area of 20 acres, 10 of which are impervious cover. The ERUs are rounded to the nearest tenth. Using Equation 1 and an assumed rate of \$4.75 per month per ERU, the Fee is computed as follows:

$$\text{Fee} = \left(\frac{10 \text{ acres} * 43,560 \frac{\text{ft}^2}{\text{acre}}}{3,120 \text{ ft}^2} \right) * \$4.75$$

$$\text{Fee} = 139.6 \text{ ERUs} * \$4.75$$

$$\text{Fee} = \$663.10 \text{ per month}$$

The applicable credit for the 75 acre-feet reduction of the 150 acre-feet as the identified need in the basin would result in half the available 50 percent credit. The following formula would apply.

$$AF = \$663.10 * \left(1 - \frac{25\%}{100\%} \right) \text{ or}$$

$$AF = \$497.33 \text{ per month}$$

In this case, installing a regional attenuation that is equal to half the identified basin reduction quantity provides a savings of \$165.77 per month of the owner's original fee.

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