



**STORM WATER UTILITY
CREDIT AND ADJUSTMENT
POLICY MANUAL**

**Adopted by the Town Council
Of the Town of Smyrna on June 10, 2008**

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I. INTRODUCTION

The Town of Smyrna implemented a Storm Water Utility Ordinance (Ord. #08-13, Title 14, Chapter 7 of the Smyrna Municipal Code, as codified) on June 10, 2008, which created a Storm Water Utility within the Public Works Department. The storm water user fee system established within the ordinance will enable the Town of Smyrna to create a funding mechanism to operate and maintain the Town of Smyrna's Storm Water Management Program and finance the necessary storm water repairs, replacements, improvements and extensions necessary to protect the health, safety and welfare of the public. The storm water user fees were determined based on the amount of impervious surface area on each developed property.

The Storm Water Utility has developed a credit and adjustment policy for storm water users who implement specific measures that will reduce storm water quantity, improve storm water quality or educate students about the importance of water quality resources. The credit policy also provides an opportunity for small single family residences, with considerably less impervious area than the Equivalent Residential Unit (ERU) as defined in the Storm Water Utility Ordinance, a small homes credit to account for the reduction in their storm water runoff.

The credits that are available to other developed property (i.e. non-single family residential) storm water users include the following:

- Credits for Deficient Properties;
- Credits for Non-Deficient Properties;
- Water Education Credit; and,
- The NPDES Industrial Storm Water Discharge Permit Credit.

All single family residential properties are charged a flat storm water management fee, equal to the base rate regardless of the size of the parcel or the impervious surface area of the improvements, except as provided herein. Single family residential property in which the impervious surface exceeds 10,000 square feet, including any detached accessory structures, shall be charged the same as the fee for other developed property. Therefore, the bulleted list above does not apply to single family residential properties or single family residential property containing more than 10,000 square feet of impervious surface. The Small Homes Credit provides an opportunity for single family residences with substantially less impervious area than the established ERU to request a reduction in their storm water user fee.

Storm water users may apply for more than one credit opportunity provided the maximum credit allowance for a single property does not exceed 75%. Section III defines each credit opportunity in further detail.

II. DEFINITIONS

- (1) *“Base rate”*- The storm water user fee for a detached single family residential property in the Town of Smyrna.
- (2) *“Best Management Practices” or “BMPs”*- The physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the Town of Smyrna, and that have been incorporated by reference into the Storm Water Management Ordinance as fully set out therein.
- (3) *“Credit”* - A credit is an ongoing reduction in a property's normally calculated storm water user fee given for certain qualifying activities that reduce the impact of increased storm water runoff, or provide an ongoing public benefit related to storm water management.
- (4) *“Deficient property”* – Real property that does not have adequate storm water facilities required in the latest edition of the Town of Smyrna’s Storm Water Management Ordinance.
- (5) *“Developed property”*- Real property which has been altered from its natural state by the creation or addition of impervious areas, by the addition of any buildings, structures, pavement or other improvements.
- (6) *“Equivalent residential unit” or “ERU”*- The average of the total square footage of the impervious surface areas of developed single family residential property within the Town of Smyrna as approved by the Town Council.
- (7) *“Impervious surface”*- A surface which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or any other surface which impedes the natural infiltration of surface water.
- (8) *“Impervious surface area”* - The number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns or other means of support or enclosure.
- (9) *“Non-Deficient property”* – Real property that has adequate storm water facilities as required in the latest edition of the Town of Smyrna’s Storm Water Management Ordinance which meets the minimum standards for storm water.
- (10) *“Other developed property”* - Developed property other than single-family residential property. Such property shall include, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, and churches. Such property shall also include single family dwellings which are attached to or otherwise a part of a building housing a commercial enterprise. Any single family residential structure which contains more than two attached dwelling units is specifically included in this definition.
- (11) *“Single family residential property”*- A developed property which serves the primary purpose of providing a permanent dwelling unit to a single family. A single family detached dwelling, a townhouse, an accessory apartment or second dwelling unit, a duplex, a condominium, a villa, or a garden house is included in this definition. A single family dwelling which is attached to, or otherwise a part of, a building housing a commercial enterprise is not included in this definition.
- (12) *“Storm water”* - Storm water runoff, snow melt runoff, surface runoff, infiltration, and drainage.
- (13) *“Storm water user fee” or “Fee”* - The utility service fee established under this ordinance and levied on owners or users of parcels or pieces of real property to fund the costs of storm water management and of operating, maintaining, and improving the storm water system in the municipality. The storm water user fee is in addition to any other fee that the Town of Smyrna has the right to charge under any other rule or regulation of the Town of Smyrna.
- (14) *“Storm Water Utility”* – A management structure that is responsible solely and specifically for the storm water management program and system.
- (15) *“Storm Water Utility Management Fund” or “fund”* - The fund created by this ordinance to operate, maintain, and improve the Town of Smyrna’s storm water system.

- (16) “*Storm water management*” - The programs to manage quality and quantity of storm water runoff.
- (17) “*Surface water*” – Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes, wetlands, marshes and sinkholes.
- (18) “*User*” - The owner or customer of record of property subject to the storm water user fee imposed by the Storm Water Utility ordinance.

III. STORM WATER UTILITY CREDIT POLICY

A. Credit Opportunities for Deficient Properties

Eligibility:

All non-single family residential properties without adequate storm water facilities that were in place prior to the implementation of the Storm Water Utility Ordinance (Ord. #08-13, Title 14, Chapter 7 of the Smyrna Municipal Code, as codified), which was adopted on June 10, 2008.

Description:

This credit is available to all other non-single family residential properties that are considered deficient because they do not have adequate storm water facilities in place as required in the Town of Smyrna’s Storm Water Management Ordinance. The storm water facilities submitted for credit shall be designed in accordance with the Best Management Practices (BMP’s) that have been approved by the Town of Smyrna and incorporated by reference into the Storm Water Management Ordinance as if fully set out therein.

Structural BMP’s that are eligible for credits include, but are not limited to, the following:

- Vegetated Filter and Buffer Strips
- Infiltration and Percolation Basins
- Rain Gardens (Bioretention Basins)
- Pervious Pavement
- Dry Detention Basins
- Retention (Wet) Basins
- Constructed Wetlands and Media Filtration

Credit Amount:

The credit amount will be determined on a case-by-case basis by the Town of Smyrna and will be based on the overall water quantity and/or quality impact and scope of the BMP measures submitted for consideration. The maximum Water Quantity and/or Quality BMP credit that will be granted for any one property shall be 35%.

The Town may grant credits to customers that successfully prove their storm water facilities control the quantity, rate at which the flow of post-development peak runoff is released with respect to the pre-development peak flow, and/or control the quality, removal of 80% total suspended solids (TSS) of the first flush volume. The individual credit amounts for each component are outlined as follows:

Water Quantity Credit

- A 10% credit for facilities which controls the 2 through 25-year storm event
- A 15% credit for facilities which controls the 2 through 50-year storm event
- A 20% credit for facilities which controls the 2 through 100-year storm event

In addition to the above credit, a water quality credit may also be applied.

Water Quality Credit

A 15% maximum credit may be applied for the on-site treatment of all impervious surfaces. The credit will be granted for the portion of impervious area that drains to the approved BMP and which removes at least 80% of the TSS during the first, ½ inch rainfall, flush volume. Each property will be evaluated on a case-by-case basis.

The credit will be allowed following the successful completion of the credit application process and Town of Smyrna approval.

Example for a Deficient property:

A developed property has been classified as deficient property because there is no existing onsite detention or water quality treatment BMP. If the property installs a detention basin controlling the 2 through 50-year storm event and incorporates an outlet structure that treats the first-flush volume by releasing the volume over a 24-hour period, the property may receive a 50-year storm event quantity credit of 15% and a quality credit of 15%. Therefore a 30% reduction to the storm water user fee may be applied to the customer.

Operation and Maintenance:

The water quantity and/or quality improvements approved for credit allowance shall be operated and maintained in proper working condition as designed and constructed. The Town of Smyrna will discontinue the credit allowance if the facilities are not maintained properly by the storm water user.

B. Credit Opportunities for Non-Deficient Properties

Eligibility:

All non-single family residential properties with adequate storm water facilities which meet the minimum measures of the Town's Storm Water Management Ordinance.

Description:

This credit is available to all non-single family residential properties that implement and maintain in proper working order approved BMP measures that **exceed** the latest requirements of the Town of Smyrna's Storm Water Management Ordinance. The BMPs submitted for credit consideration shall be designed in accordance with the BMP's that have been approved by the Town of Smyrna and are incorporated by reference into the Storm Water Management Ordinance as if fully set out therein.

Structural BMP's that are eligible for credits include, but are not limited to, the following:

- Vegetated Filter and Buffer Strips
- Infiltration and Percolation Basins
- Rain Gardens (Bioretention Basins)
- Pervious Pavement
- Dry Detention Basins
- Retention (Wet) Basin
- Constructed Wetlands and Media Filtration

Credit Amount:

The credit amount will be determined on a case-by-case basis by the Town of Smyrna and will be based on the overall water quantity and/or quality impact and scope of the BMP measures submitted for consideration. The maximum Water Quantity and/or Quality BMP credit that will be granted for any one property shall be 35%.

The Town may grant credits to customers that successfully prove their storm water facilities control the rate at which the flow of post-development peak runoff is released with respect to the pre-development peak flow and/or control the removal of 80% total suspended solids of the first flush volume. The individual credit amounts for each component are outlined below:

Water Quantity Credit

- A 15% credit for facilities which controls the 50-year storm event
- A 20% credit for facilities which controls the 50 and 100-year storm events

In addition to the above credit a water quality credit may also be applied.

Water Quality Credit

A 15% maximum credit may be applied for the on-site treatment of all impervious surfaces. The credit will be granted for the portion of impervious area that drains to the approved BMP and which removes at least 80% of the TSS during the first, ½ inch rainfall, flush volume. Each property will be evaluated on a case-by-case basis.

The credit will be allowed following the successful completion of the credit application process and Town of Smyrna approval.

Example for a Non-Deficient property:

A developed property has been classified as non-deficient property because there is an existing onsite detention controlling the 2 through 25-year storm event, the property does not have an approved BMP for water quality. If the property increases the existing detention basin to control the 50 and 100-year storm events and incorporates an outlet structure that treats the first-flush volume by releasing the volume over a 24-hour period, the property may receive a 50 and 100-year storm events quantity credit of 20% and a

quality credit of 15%. Therefore a 35% reduction to the storm water user fee may be applied to the customer.

Operation and Maintenance:

The water quantity and/or quality improvements approved for credit allowance shall be operated and maintained in proper working condition as designed and constructed. The Town of Smyrna will discontinue the credit allowance if the facilities are not maintained properly by the storm water user.

C. Water Education Credit

Eligibility:

All public or private elementary, middle and high schools and colleges located within the Town of Smyrna.

Description:

The Water Education Credit is available to individual schools that implement a water resources based curriculum such as Project WET (Water Education for Teachers) or any other proposed program that is approved by the Town of Smyrna.

Credit Amount:

The credit amount will be determined on a case-by-case basis by the Town of Smyrna and will be based on the percentage of students the curriculum teaches and the overall length of the program. The maximum Water Quality BMP credit that will be granted for any one school or college shall be 25%.

Annual Certification:

The Water Education Credit awarded shall be recertified annually at the beginning of each school year. The credit may be adjusted by the Town of Smyrna to account for changes in the program scope. The recertification submittal shall be sent to the Town of Smyrna by September 1 of each year for consideration of credit for the following year.

D. NPDES Industrial Storm Water Discharge Permit Credit

Eligibility:

All other developed properties that currently have and maintain a Tennessee Multi-Sector General NPDES Permit (TMSP).

Description:

Properties will receive the NPDES Industrial Storm Water Discharge Permit Credit for the coverage dates specified within the TMSP General Permit. The owner of the property shall re-apply for this credit upon each renewal of the permit with the State of Tennessee.

Credit Amount:

The credit available to facilities that have and maintain their TMSP shall be 25%.

Renewal Requirements:

The property owner shall re-apply for this credit upon renewal of the expiring permit with the State of Tennessee.

E. Small Homes Credit

Eligibility:

All single family residential properties as defined herein that have 1,800 square feet or less of impervious surface area on their property. This credit is not applicable to multi-tenant residential units and properties

Description:

Single family residential properties who demonstrate to the Town of Smyrna they have 1,800 square feet or less of impervious surface area on their property can request a reduction of their assessed base fee rate.

Credit Amount:

Single family residential properties who apply and are approved for the Small Homes Credit shall receive a 35% reduction in their base rate.

Example #1 for a small homes credit:

A single family home has a 1,200 square foot building footprint, and 500 square feet of driveway surface. The total impervious area for the property equals 1,700 square feet. Since the total impervious area is less than 1,800 square feet, the customer may receive a small homes credit of 35%. Therefore a 35% reduction to the storm water user fee may be applied to the customer.

Example #2 for a small homes credit:

A single family home has a 1,400 square foot building footprint, 500 square feet of driveway surface, and a 250 square foot patio. The total impervious area for the property equals 2,150 square feet. Since the total impervious area is more than 1,800 square feet, the customer would not be eligible for a small homes credit of 35%.

IV. STORM WATER UTILITY ADJUSTMENT POLICY

The Town will grant an adjustment when non-single family residential property owners identify incorrect total impervious areas, pertaining to their property, which is contained in the Town's database. Single family residential property owners are not eligible for an adjustment to their storm water user fee, but may apply for the small homes credit as described in the manual. All requests shall be judged on the basis of the amount of impervious area on the site. The Town may request the customer to provide supplemental information including but not limited to survey data prepared by a Tennessee Registered Land Surveyor. Applicant shall complete the Storm Water Adjustment Application Form as provided in Attachment 1. There shall be no application fee associated with the adjustment. Adjustment applications shall be presented for consideration to the Storm Water Advisory Committee in accordance with the procedures set forth in Section V.

V. STORM WATER UTILITY CREDIT AND ADJUSTMENT PROCEDURES

A. Credits for Deficient and Non-Deficient Properties

The Storm Water Utility Credit Request Application Form is provided in Attachment 1. The submittal shall include a completed credit application form, credit application fee and appropriate engineering drawings and all calculations necessary to determine quantity (volume and flow) and/or quality efficiency. All drawings and calculations shall be prepared and sealed by a professional engineer registered to design storm water management facilities and BMPs in the State of Tennessee. The submittal shall also include a topographic map or site plan to scale that provides the existing and proposed contours indicating all site drainage patterns and vicinity map.

B. Water Education Credit

The submittal for the Water Education Credit shall include a completed credit application form and an attached detailed description of the water resources curriculum proposed including the length of the program and number of students it will teach during the school year. No credit application fee is required.

Subsequent annual renewals shall be submitted on the Water Education Renewal Form provided in Attachment 2 by September 1.

C. NPDES Industrial Storm Water Discharge Permit Credit

The submittal for this credit shall include a completed credit application form, credit application fee and a copy of the complete NPDES Permit provided by TDEC, which identifies the permit coverage period.

D. Small Homes Credit

The Small Homes Credit submittal shall include a completed credit application form, a sketch including all dimensions of the actual measured impervious area on the property and a copy of the detailed calculations performed. No credit application fee is required.

E. Utility Fee Adjustment

The submittal for a fee adjustment shall include a completed Storm Water Utility Adjustment Application Form provided in Attachment 3. The submitted application shall include all required information to be considered complete and reviewable and shall include a detailed site plan with dimensions of all existing impervious areas. The Town may request the customer to provide supplemental information including but not limited to survey data prepared by a Tennessee Registered Land Surveyor. There shall be no application fee associated with the adjustment request.

F. General Provisions

Applications for adjustments and credits, including any application by the Town for discontinuance of a credit, shall be presented to the Storm Water Advisory Committee for

consideration in accordance with the terms of this Credit and Adjustment Policy Manual and the Storm Water Utility Ordinance.

Completed credit and adjustment applications should be submitted in writing on the appropriate forms, with applicable attachments and supporting documentation, to the Public Works Department, Director of Public Works at the following address:

Town of Smyrna
Department of Public Works
Attention: Director of Public Works
315 South Lowry Street
Smyrna, TN 37167

A credit or adjustment application will not be considered complete and will not be processed unless it is accompanied by the application fee (if applicable), the application form and all information requested in this manual. The credit application fee shall be as set forth in the fee schedule as adopted by Town Council by ordinance. Application fees are non-refundable and is required to be submitted with each application (if applicable) to the Town of Smyrna. There is no fee associated with the Small Homes Credit Application, Water Education Credit Annual Renewal Application or the Storm Water Utility Adjustment Application.

The Storm Water Advisory Committee shall review the application for credit or adjustment and determine whether the credit or adjustment sought is consistent with the provisions of the Storm Water Utility Ordinance and the Credit and Adjustment Policy Manual. Credit and adjustment determinations related to the storm water user fee shall be decided based on substantiated evidence with a sound engineering and factual basis. All credit and adjustment determinations shall be applied utilizing a strict interpretation of the Storm Water Utility Ordinance and the Credit and Adjustment Policy Manual. At any hearing related to a credit or adjustment determination, the town shall be allowed to present evidence, findings, and recommendations; customers and applicants shall be given an opportunity to present evidence, findings, and recommendations. The Storm Water Advisory Committee may request additional information from the customer or his representative; the committee may defer one time the determination of the application to the next regularly scheduled meeting of the Storm Water Advisory Committee. Each application shall be placed on the Storm Water Advisory Committee agenda for the next regularly scheduled meeting, which meeting is at least twenty days after the Director of Public Works receives the written application. The Director of Public Works shall notify the customer of the date of the review hearing in writing; such written notice shall be given at least ten days prior to the hearing by regular mail at the address provided in the written application document. The committee shall state as part of any approval or disapproval of an adjustment or credit determination the basis for any such approval or disapproval. The decision of the Storm Water Advisory Committee shall be final and conclusive with no further administrative review.

The credit percentage or adjustment amount approved will be applied to the billing within 30 days of the written notification. No retroactive credit or adjustment allowances will be granted for any of the credit or adjustment opportunities. Therefore, the credit or adjustment allowance

will not be applied to previous storm water user fee billings paid prior to the written notification letter.

For any customer previously granted a credit, who subsequently is found to be out of compliance with this credit policy, the official may serve, by personal service, regular U.S. mail, or by e-mail a notice of non-compliance including a list of required repairs and will be granted thirty (30) days from the receipt of the notice to come back into compliance. After the required repairs are accomplished, the customer must contact the Public Works Department to be re-inspected within the same 30-day period.

If a customer fails to comply with the required repairs, the credit may be discontinued by application of the Town to the Storm Water Advisory Committee, upon notice to the customer and a hearing by the Storm Water Advisory Committee. The customer may submit a new credit application to the Storm Water Utility after all repairs have been made. The Utility will require a maintenance schedule for a minimum period of 6 months prior to reissuing any credits. Such new credit application must be approved by the Storm Water Advisory Committee.

ATTACHMENTS

STORM WATER UTILITY CREDIT REQUEST APPLICATION FORM

STORM WATER UTILITY EDUCATION CREDIT ANNUAL RENEWAL FORM

STORM WATER UTILITY ADJUSTMENT APPLICATION FORM

**STORM WATER UTILITY
CREDIT REQUEST APPLICATION FORM**

All completed application forms, application fee (where applicable) and supporting documentation shall be submitted to:
Town of Smyrna, Attention: Public Works Department, Director of Public Works, 315 South Lowry Street, Smyrna, TN 37167

Property Owner Information

Name: _____

Property Address: _____

Utility Billing Address: _____

E-mail: _____ Phone: _____

Property Information

Map _____ Parcel _____ Utility Account No. _____

Credit Requested (Check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Credit for Deficient Properties | <input type="checkbox"/> NPDES Industrial Storm Water Discharge Permit Credit |
| <input type="checkbox"/> Credit for Non-Deficient Properties | <input type="checkbox"/> Small Homes Credit (**No Application Fee Required**) |
| | <input type="checkbox"/> Water Education Credit (**No Application Fee Required**) |

Submittal Description (Provide complete description of proposed credit(s) requested): [Attach Additional Pages as Necessary]

I certify that the attached information is accurate to the best of my knowledge and that I have the authority to make such a request for this property. I agree to provide the Town of Smyrna with corrected information should there be any changes made to the information provided herein. I further authorize the Town of Smyrna to access the property identified for credit in this application.

Signature: _____ Name: _____

(Printed)

Date: _____

Town of Smyrna Use (Do not write in shaded area)

Credit Submitted (Check all that apply)

Approved
(Yes or No)

Credit
(%)

- | | | |
|---|-------|-------|
| <input type="checkbox"/> Credit for Deficient Properties | _____ | _____ |
| <input type="checkbox"/> Credit for Non-Deficient Properties | _____ | _____ |
| <input type="checkbox"/> Water Education Credit | _____ | _____ |
| <input type="checkbox"/> NPDES Industrial Storm Water Discharge Permit Credit | _____ | _____ |
| <input type="checkbox"/> Small Homes Credit | _____ | _____ |

Date Written Notification Letter Sent to Applicant: _____

Date Credit Adjustment Submitted to Billing: _____

Approved By: _____ Signature: _____

Title: _____ Date: _____

**STORM WATER UTILITY
WATER EDUCATION CREDIT ANNUAL RENEWAL FORM**

All completed application forms and supporting documentation shall be submitted by September 1 to:
Town of Smyrna, Attention: Public Works Department, Director of Public Works, 315 South Lowry Street, Smyrna, TN 37167

Property Owner Information

Name: _____

Property Address: _____

Utility Billing Address: _____

E-mail: _____ Phone: _____

Property Information

Map _____ Parcel _____ Utility Account No. _____

Renewal Description *(Provide a description of any Water Education Curriculum changes proposed for the current school year. Include grade(s) and number of students the program will teach and a detailed description of any changes to the program. Attach additional information as required.):*

I certify that the attached information is accurate to the best of my knowledge and that I have the authority to make such a request for this property. I agree to provide the Town of Smyrna with corrected information should there be any changes made to the information provided herein.

Signature: _____

Name: _____

(Printed)

Date: _____

Town of Smyrna Use *(Do not write in shaded area)*

Credit Renewal Application Approval (Check One): Yes No

Existing Credit Amount: _____

New Credit Amount: _____

Date Written Notification Letter Sent to Applicant: _____

Date Credit Adjustment Submitted to Billing: _____

Approved By: _____ Signature: _____

Title: _____ Date: _____

**STORM WATER UTILITY
ADJUSTMENT APPLICATION FORM**

All completed application forms, and supporting documentation shall be submitted to:

Town of Smyrna, Attention: Public Works Department, Director of Public Works, 315 South Lowry Street, Smyrna, TN 37167

Property Owner Information

Name: _____

Property Address: _____

Utility Billing Address: _____

E-mail: _____ Phone: _____

Property Information

Map _____ Parcel _____ Utility Account No. _____

Adjustment Requested *(Check all that apply)* :

- Incorrect Impervious Area Incorrect Customer / Owner Information
(attach a detailed site plan with dimensions)

Submittal Description *(Provide complete description of proposed credit(s) requested): [Attach Additional Pages as Necessary)*

I certify that the attached information is accurate to the best of my knowledge and that I have the authority to make such a request for this property. I agree to provide the Town of Smyrna with corrected information should there be any changes made to the information provided herein. I further authorize the Town of Smyrna to access the property identified for credit in this application.

Signature: _____ Name: _____

(Printed)

Date: _____

Town of Smyrna Use *(Do not write in shaded area)*

Adjustment Submitted *(Check all that apply)*

Approved
(Yes or No)

<input type="checkbox"/> Impervious Area Updated	_____	_____
Previous Impervious area	_____	_____
New Impervious Area	_____	_____
Corrected ERU factor	_____	_____
<input type="checkbox"/> Customer Information Updated	_____	_____

Date Written Notification Letter Sent to Applicant: _____

Date Adjustment Submitted to Billing: _____

Approved By: _____ Signature: _____

Title: _____ Date: _____