

**RESOLUTION NO. 2-2020**

**A RESOLUTION OF THE BOARD OF THE EAST PENNSBORO TOWNSHIP AUTHORITY, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING CERTAIN RULES AND PROCEDURES FOR STORMWATER FEE CREDIT AND ADJUSTMENT.**

WHEREAS, East Pennsboro Township Authority (“Authority”), currently owns and, through the East Pennsboro Township (“East Pennsboro”) maintains a system of sewers, drains, basins, infiltration and filtration facilities, inlets, manholes, ditches, outfalls and other infrastructure to collect, convey and manage Stormwater.

WHEREAS, the existing Stormwater Management System requires maintenance, repair, enhancements and replacement to meet existing and future needs, including flooding concerns; public health, safety and welfare; and water quality protection.

WHEREAS, the requirements of the United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection demand a comprehensive approach to municipal Stormwater management by East Pennsboro; and

WHEREAS, a professional engineering and financial analysis of the Stormwater management needs for East Pennsboro has been performed concluding that substantial Stormwater management needs and regulatory requirements exist.

WHEREAS, East Pennsboro Township and the Authority have entered into discussions regarding the proper handling of Stormwater in East Pennsboro Township.

WHEREAS, Pennsylvania Act 68 of 2013 authorizes the Authority to assess and collect fees for the financing of Stormwater planning, management and implementation.

WHEREAS, the Authority adopted a fee and rate structure and appeal process per Resolution No I. 1-2020, adopted January 16, 2020 with an effective date of April 1, 2020.

WHEREAS, the Authority desires to adopt a comprehensive program developed and implemented by the Authority to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g. MS4 Permit) requirements, to provide detailed guidance and procedures to incentivize Township residents and businesses to reduce their User Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff, and to provide for the satisfactory management of the Stormwater Management System assets in the Township.

NOW, THEREFORE, be it resolved by the Board of the East Pennsboro Township Authority as follows:

**Section 1. Definitions.**

Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, resolutions of the East Pennsboro Township Authority (the “Authority”), if any, or shall otherwise be given their ordinary and common meanings. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Resolution shall be as follows:

1. **Authority** – The East Pennsboro Township Authority.
2. **Best Management Practices (“BMPs”)** – The methods, procedures, and analyses specified in the Pennsylvania Stormwater Best Management Practices Manual to reduce flooding potential and control the volume, flow rate, and water quality of stormwater.
4. **Developed Parcel** –A parcel altered from a natural state that contains Impervious Surface equal to or greater than 300 square feet. Excludes public roads and common area parcels (i.e. parcels without dwelling units) owned by homeowner associations. Developed Parcels do not include land under initial development prior to issuance of a certificate of occupancy; however, a parcel undergoing initial development that does not receive a certificate of occupancy within three (3) years from start of construction will be considered a Developed Parcel.
5. **East Pennsboro Township Authority (“EPTA” or “Authority”)** – The East Pennsboro Township Authority, a Pennsylvania municipal authority organized and existing under the Pennsylvania Municipality Authorities Act, or its designee.
6. **Equivalent Residential Unit (“ERU”)** – The measure of impervious ground cover for a typical single-family detached residential Property used in assessing the fees for each parcel of Developed Property, and which has been determined to be 3,430 square feet.
7. **East Pennsboro** – East Pennsboro Township, Cumberland County, Pennsylvania.
8. **Education Credit** – The education credits described in Section 4.26 of this Resolution. The Education Credit consists of either a Tier One Education Credit or a Tier Two Education Credit.
9. **Fertilizer Management Credit** – The fertilizer management credit described in Article XIV of these Rates, Rules and Regulations.
10. **Inspection Report** – The periodic inspection report(s) set forth in section 22-732 of the Township Stormwater Management Ordinance.
11. **MS4 – Municipal Separate Storm Sewer System.** A separate storm sewer (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) which is all of the following:
  - (i) Owned or operated by a State, city, town, borough, county, district, association or other public body (created by or under State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Federal Act (33 U.S.C.A. § 1288) that discharges to surface waters of this Commonwealth.
  - (ii) Designed or used for collecting or conveying stormwater.
  - (iii) Not a combined sewer.
  - (iv) Not part of a Publicly Owned Treatment Works (POTW).

12. **National Pollutant Discharge Elimination System (“NPDES”)** – The federal government’s and Commonwealth of Pennsylvania’s system for issuance of discharge permits under the federal Clean Water Act (“CWA”), the Pennsylvania Clean Streams Law and Storm Water Management Act. The Pennsylvania Department of Environmental Protection (“PADEP”) has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.
13. **Operation and Maintenance** – The associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program and shall include sums paid to defray costs of the Authority’s improvements and replacement to the Stormwater Management System.
14. **Operation and Maintenance Agreement** – An agreement pertaining to the operation and maintenance of stormwater management BMPs as described in Section 22-725 of the Township’s Stormwater Management Ordinance.
15. **Owner** – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in East Pennsboro Township.
16. **PADEP** – Pennsylvania Department of Environmental Protection.
17. **Parcel Identification Number (PIN)** – A discrete identification number for each lot, parcel, building or other structure within East Pennsboro.
18. **Pennsylvania Stormwater Best Management Practices Manual** – The most recent version of the Pennsylvania Stormwater Best Management Practices Manual.
19. **Property** – Each lot, parcel, building or portion thereof, separately established by discrete PIN by East Pennsboro Township.
20. **Qualified Professional** - Any person licensed by the Pennsylvania Department of State or otherwise qualified by law or license to perform the work required by the Resolution.
21. **Replacement** – The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Management System so as to maintain the capacity and performance for which said system was designed and constructed; shall include costs associated with improvements to the Stormwater Management System.
22. **Riparian Buffer Area (RBA)** – A portion of the property of at least 100 ft. measured landward from the stream bank (or from the edge of the ordinary high water) as a riparian buffer area. The buffer must extend along the entire length of the stream/creek within the property.
23. **Riparian Buffer Area (RBA) Preservation Credit** – The Credit described in Article XIV of these Rates, Rules and Regulations.
24. **Authority Board** – The East Pennsboro Township Authority Board.

25. **Stormwater** –Runoff water from all precipitation events, snowmelts and springs.
26. **Stormwater Main** – A principal pipe in the Stormwater Management System, owned and maintained by the Authority or Township, to collect and transport stormwater.
27. **Stormwater Management Costs** – The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:
- A. Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump, and transport stormwater;
  - B. Provide flood protection;
  - C. Keep equipment and facilities, including best management practices, functioning satisfactorily and economically;
  - D. Administer the stormwater management program, including regulatory compliance; and
  - E. Improve the Authority’s Stormwater Management System.
28. **Stormwater Management Ordinance** – The Township’s Stormwater Management Ordinance located in Chapter 22, Part 7 of the Township’s Code of Ordinances.
29. **Stormwater Management System** – The system of runoff avoidance, infiltration, collection and conveyance, including storm sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, manholes, ditches, channels, basins and detention ponds, streets, curbs, drains and all devices, appliances and Stormwater BMPs, such as infiltration and filtration facilities, used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating Stormwater, which is owned, operated or maintained by East Pennsboro or the Authority.
30. **Stormwater Fee Credit and Adjustment Policy (“SFCAP”)** - The comprehensive program developed and implemented by the Authority to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g. MS4 Permit) requirements, to provide detailed guidance and procedures to incentivize Township residents and businesses to reduce their User Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff, and to provide for the satisfactory management of the Stormwater Management System assets.
31. **Structural BMPs** – Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural Stormwater BMPs are permanent appurtenances.
32. **Top of Streambank** – First substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (that is, road or railroad grade) feature, lying generally parallel to the watercourse.

33. **Township** – The Township of East Pennsboro , Cumberland County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.
34. **Undeveloped Parcel** – A parcel that does not meet the definition of “developed parcel.”
35. **User** – Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefiting from or being served by the public Stormwater Management System.
36. **User Fee** - Funds assessed, imposed and to be collected from each SFR Property and Developed Non-Residential Property.
37. **Volume Control Credit** – The volume control credits described in section 4.18 of this Resolution.

## **Section 2. General And Miscellaneous Provisions.**

- A. The Authority may implement such administrative procedures necessary to implement the policies and requirements set forth in Resolution.
- B. The Authority will review and update the Stormwater Fee Credit and Adjustment Policy established by this Resolution by resolution every five (5) years or sooner as deemed necessary.
- C. No officer, appointed official, agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter or intent of this Resolution.

## **Section 3. No Warranty Or Action**

Nothing in this Resolution or in the design, operation or maintenance of the Stormwater System shall be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of money damages against the Authority, its officers, appointed officials, employees, or agents. The Authority expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the Authority, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

## **Section 4. Stormwater Management Program Credits and Incentives**

4.1 An integral component of the SFCAP includes implementation of a program to incentivize Township residents and businesses to reduce their User Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff, and comprehensive Stormwater Management Program Credits and Incentives Policy has been developed to provide detailed guidance and procedures on such activities.

4.2 To be eligible for a Credit, the property must have been assigned a minimum of 1.0 ERU and there must not be any outstanding and unpaid User Fees or sanitary sewer fees against the property. Property Owners must submit the appropriate Credit Application along with any documentation required by EPTA. All Developed Parcels are potentially eligible for Credits, however, certain Credits are only available to certain categories of Owners in accordance with Table 1 contained in Appendix A hereto. Note that credit availability may be modified by EPTA

from time-to-time by appropriate resolution and corresponding changes will be made to Appendix A hereto, to the extent practicable.

4.3 Credit Applications, using the *Stormwater Management Program Fee Credit Application* (Appendix B), must be submitted to EPTA along with any documentation required by the application no later than sixty (60) days prior to the start of the first billing quarter to which the Credit will be applied. Credits will not be applied retroactively. No refunds shall be given for any User Fees that were paid prior to the Authority's final approval of the Credit Application. A fee in the Amount of \$25.00 is required to be paid at the time of submission of Credit Application. No Credit Application will be accepted unless accompanied by said fee. The credit application fee may change from time to time by Resolution of this Authority.

4.4 EPTA reserves the right to request additional supporting information if the provided information does not clearly support the requested type or amount of Credit. EPTA or its designee will review all plans, materials, and documentation related to the Credit Application for accuracy. If, after review, the Credit Application and/or accompanying documentation is found to be deficient, the applicant will be notified in writing within 60 days upon receipt of the deficient Credit Application and/or accompanying documents. If all deficiencies are corrected and the Credit Application is approved, then the applicable Credits will take effect on the next billing period after notice of approval is given to the applicant. The Credit Application process does not relieve the property Owner of its obligations to make payments of User Fees that are assessed during the review process.

4.5 EPTA or its designee will provide written notification of the credit determination within sixty (60) days upon receipt of a complete Credit Application and all required documentation. If a response is not made within sixty (60) days, then the Credit Application will be deemed denied. The written notification shall state the conditions of the issuance of the Credit and effective date of the Credit. If EPTA or its designee does not approve the Credit Application in whole or in part, the property Owner shall also receive a written notice which includes the reason(s) for the decision.

4.6 If the property Owner disagrees with EPTA or its designee's decision, the Owner shall submit a request in writing to EPTA for a meeting to discuss such decision. EPTA or its designee will notify the property Owner as to the date and time of the meeting when the Credit Application will be considered. If EPTA does not approve the Credit Application in whole or in part, the property Owner shall receive a written notice which includes the reason(s) for the decision.

4.7 Approved Credits will be valid for three (3) years, except when a term is explicitly noted otherwise. Credits will automatically expire at the end of such three (3) year period. Owners may re-apply to continue to receive Credits in accordance with policies that are in existence at the time of such renewal. Applications for renewals will be administered in the same way as first-time applications.

4.8 An Owner must submit the application sixty (60) days prior to the desired start date of the Credit. Therefore, in order to maintain a Credit that is expiring, the property Owner should submit the Credit Application sixty (60) days prior to the expiration of the Credit. If the application is not submitted in time, or if there are deficiencies in the application resulting in non-approval of the Credit Application within sixty (60) days, the Credit will not be applied. If the Credit is renewed

based on approval of the Credit Application, the Credit will be applied on the billing period following the approval. Credits will not apply retroactively for a missed billing period.

4.9 Upon written notice, EPTA, in its sole discretion, may revoke any previously approved Credit for failure to meet Credit conditions or failure to meet minimum maintenance requirements. EPTA reserves the right to review for accuracy all plans, materials and documentation related to a Credit Application and accompanying documentation at any time. If, after review, the Credit Application or accompanying documentation is found to be inaccurate, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The applicant must provide written documentation to EPTA or its designee within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of EPTA or its designee, the deficiency is not satisfactorily corrected, the Credit currently applied to the property will be terminated effective the following billing cycle.

4.10 If a property has been granted a Credit for Structural BMPs, the property Owner must submit to EPTA or its designee periodic Inspection Reports in accordance with Chapter 22, Part 7, Section 32 of the Stormwater Management Ordinance. If such reporting requirements are not met, then Credits will be suspended.

4.11 The Inspection Report must be completed by a Qualified Professional and submitted annually or more frequently if required by an Operation and Maintenance Agreement. The Inspection Report must show or document compliance to the Authority or its designee's satisfaction with all program requirements for the preceding calendar year. If the Inspection Report is incomplete or is not submitted to EPTA or its designee by the deadline for reporting as established in the Operation and Maintenance Agreement, the property shall be considered to be in non-compliance with the Credit program requirements and the Credit will be suspended. The Credit suspension will not be reinstated until the completed Inspection Report is submitted to EPTA or its designee with documentation, to EPTA's or its designee's satisfaction, that the program for which the Credit is being given is being implemented as intended. There is no fee associated with submitting an Inspection Report.

4.12 In accordance with Chapter 22, Part 7, Section 31 of the Stormwater Management Ordinance, EPTA or its designee may enter at reasonable times any property to inspect the condition or operation of BMPs. If, after its review or inspection, EPTA or its designee finds the Credit Application or any Inspection Report to be inaccurate or any BMP(s) to be out of compliance, the property Owner will be notified in writing with a notice and given sixty (60) days to correct the inaccuracy or non-compliance ("Notice of Non-Compliance").

4.13 Within 60 days following the Owner's receipt of the Notice of Non-Compliance, the Owner must provide to the Authority or its designee written documentation and evidence satisfactory to the Authority or its designee that the issues described in the Notice of Non-Compliance have been corrected and/or that the facility (BMP) is in compliance with all application program requirements. If the issues in the Notice of Non-Compliance have not been corrected of the facility (BMP) is not in compliance as required by the Notice of Non-Compliance, or if the property Owner fails to provide a response to EPTA or its designees within the sixty (60) day period, the Credit will be suspended on the following billing cycle.

4.14 The Credit suspension will remain in effect for six (6) months, after which time the property Owner may reapply for the Credit. The reapplication must include evidence satisfactory to EPTA or its designee that the issues stated in the Notice of Non-Compliance have been corrected or that the BMP has been in compliance with program requirements for at least three (3) months prior to reapplication.

4.15 Credits are available for Structural BMP(s) that comply with the Township's Rules and Regulations. Current requirements are set forth in the Stormwater Management Ordinance (Chapter 22, Part 7, Section 13, Volume Controls and Chapter 22, Part 7 Section 14, Rate Controls).

4.16 Structural BMP Credits are applicable to Non-Residential Properties with Structural BMPs that have a valid Operation and Maintenance Agreement as required by Chapter 22, Part 7 Section 25 Example in Appendix C of the Stormwater Management Ordinance. If an existing BMP does not have a valid Operation and Maintenance Agreement, then the Credit applicant shall prepare and submit with the Credit Application an executed Operation and Maintenance Agreement prepared in accordance with the requirements of the Stormwater Management Ordinance.

4.17 To apply for a Structural BMP Credit, property Owners must submit information documenting that the BMP has been inspected by a professional engineer licensed in Pennsylvania. The inspection shall be a visual inspection to document that the BMP is operating in accordance with its intended function and identify any required BMP maintenance or repairs to allow it to remain in good operating condition. If information on the design standards and design of the BMP is not available, the applicant may contact EPTA or its designee to determine to what extent the BMP may be eligible for a credit.

4.18 Structural BMPs that control the volume of stormwater runoff from a parcel (e.g. infiltration basin) are eligible for the Volume Controls Credit. Examples of volume controls are included in the Pennsylvania Stormwater Best Practices Manual. The Credit for BMPs that comply with Chapter 22, Part 7, Section 13-- Volume Controls of the Stormwater Management Ordinance for newly Developed Parcels (i.e. assuming the pre-development condition had no Impervious Surface) shall be twenty-five percent (25%). The Credit for all other volume control BMPs shall be calculated as follows:

If Volume Control is being calculated using Method A (per Chapter 22, Part 7, Section 13, Bullet 1-- Volume Controls of the Stormwater Management Ordinance):

$$\text{Credit} = 25\% * 1.5 * \% \text{ of Impervious Surface area considered as meadow in the model for existing conditions}$$

OR

25%, whichever is less

If Volume Control is being calculated using Method B (per Chapter 22, Part 7 Section 13 Bullet 2-- Volume Controls of the Stormwater Management Ordinance)

$$\text{Credit} = 25\% * 1.5 * \% \text{ of Impervious Surface area captured}$$

OR

25%, whichever is less

4.19 Structural BMPs that control the rate of Stormwater runoff from a parcel (e.g. constructed wetlands) are eligible for the Rate Controls Credit. Examples of rate controls are included in the Pennsylvania Stormwater Best Practices Manual. The credit for BMPs that comply with Section Chapter 22, Part 7 Section 14 – Rate Controls of the Stormwater Management Ordinance for newly Developed Parcels (i.e. assuming the pre-development condition had no Impervious Surface) shall be 25%. The credit for all other rate control BMPs shall be calculated as follows:

$$\text{Credit} = 25\% * \% \text{ of Impervious Surface area captured}$$

4.20 The Riparian Buffer Area Preservation Credit is applicable to properties adjacent to streams and creeks within the Township that preserve the riparian buffer by dedicating a portion of the property of at least 100 ft. measured landward from the stream bank (or from the edge of the ordinary high water) as a Riparian Buffer Area (RBA). The buffer must extend along the entire length of the stream/creek within the property. The amount of credit applied is at the discretion of the Authority up to a maximum of twenty-five percent (25%) per credit application. A Single Stream Bank Side less than 1,000 linear feet (LF) is eligible for a ten percent (10%) credit. If the property with Single Stream Bank Side contains more than 1,000 linear feet (LF), then a fifteen percent (15%) credit may be granted. A property that contains both banks of the creek/stream, may receive a maximum 25% credit when preserving and dedicating buffers on both sides of the creek/stream provided that the total linear feet of both banks is greater than 1,000 linear feet (LF).

4.21 Buffers dedication as RBAs are the corridors of environmentally sensitive land that lie alongside or near the shorelines of creeks or streams which drain into local waterways and eventually into the Chesapeake Bay. In their natural condition, RBAs protect water quality, filter pollutants out of stormwater runoff, reduce the volume of stormwater runoff, prevent erosion and perform other important biological and ecological functions. Property Owners are encouraged to plant indigenous trees and bushes in the buffer. In order to maintain the buffer preservation credit no mowing or removal of existing trees or bushes is allowed.

4.22 The property owner must post a sign provide by the Township that states “Environmental Protection Area, Do Not Disturb, East Pennsboro Township and East Pennsboro Township Authority, do not remove or relocate this sign.” A sign should be posted at the landward limit of the buffer. For properties that extend more than 200 feet along a creek/stream, a sign should be posted every 200 feet along the creek/stream.

4.23 The property owner needs to inform the Authority if any modifications are planned in buffers dedicated as RBAs. Buffer modifications should be minimized. Some of the permitted buffer modifications include:

- Dead, diseased, or dying trees may be removed
- Thinning of trees permitted, pursuant to sound horticultural practice

- Trees may be pruned or removed to provide for sight lines and vistas. Removed trees must be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution.
- Trees and vegetation may be removed for shoreline erosion control projects.

4.24 Fences are permitted in an RBA subject to compliance with the following design requirements that collectively maintain the functional value of the buffer. Fences should be designed so that they do not inhibit or alter surface flow (i.e., water must be able to flow under and through the fence unimpeded), and vegetation may only be removed to provide for the actual placement of the fence. Where vegetation is removed, it must be replaced with other native vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff. Fences should be located to avoid the removal of trees. If the fence were to be placed in an area that was an existing maintained lawn, the revegetation requirement would not be applicable.

4.25 A walkway or access to the creek/stream is allowed and its width should be minimized. Walkways and paths should be constructed and surface to control erosion.

4.26 Education Credits are available to all public and private schools or school systems (K-12). In order for a school or school system to receive an Education Credit, the school must implement an educational program that informs the students on the importance of preserving and restoring the source and integrity of water resources (stormwater, ground water and/or surface waters). The education program may include educational posters, take-home materials, classroom lessons, field trips, etc. developed by the PADEP, the Pennsylvania Department of Conservation and Natural Resources (DCNR), the United States Environmental Protection Agency (EPA), the United States Geological Survey (USGS), or a school official. Education resources and example materials can be found at:

- EPA NPDES Stormwater Outreach Materials and Reference Documents ([https://www3.epa.gov/npdes/pubs/sw\\_resource\\_list.pdf](https://www3.epa.gov/npdes/pubs/sw_resource_list.pdf))
- EPA Teacher Resources and Lesson Plans (<http://www.epa.gov/students/teachers.html>)
- EPA Water Science and Technology for Students and Educators (<http://water.epa.gov/learn/resources/>)
- USGS Education Resources (<http://education.usgs.gov/>)

To qualify for the Credit, the education program must be approved by EPTA or its designee. The program may be taught in grades Kindergarten (K) through twelve (12). A school with more than 50% of its students enrolled in levels below Kindergarten (i.e. pre-K, pre-school, daycare, etc.) is not eligible for an Education Credit. The school or school system may be granted a credit up to twenty percent (20%) of the original User Fee. The Credit will be tiered based on the proportion of grade levels taught as compared to the total number of grade levels within the school, as described below:

- Tier One Education Credit: A ten percent (10%) Tier One Education Credit is available to a school or school system for an approved educational

program which educates 50% to 74% of the grade levels within the school or school system.

- Tier Two Education Credit: A twenty percent (20%) Tier Two Education Credit is available to a school or school system for an approved educational program which educates 75% to 100% of the grade levels within the school or school system.

A school district may apply for Credit for schools individually or make a single application for all schools in the school system. A school system may also include schools located outside the Township when determining its education tier if submitting a single Credit Application for all schools in its district. For schools that receive an Education Credit, documentation of the programs that were taught in the previous school year, number of students included in the education program, and programs that intend to be taught in the next school year, shall be submitted annually by June 15.

4.27 The Fertilizer Management Credit is applicable to Developed Parcels with lawns and/or landscaped areas where fertilizers are typically applied and which constitute at least twenty percent (20%) of the total parcel area. The amount of credit applied is at the discretion of EPTA up to a maximum of fifteen percent (15%).

4.28 The property Owner and/or groundskeeper(s) must take a Fertilizer Management workshop provided by Penn State Extension, the Cumberland County Conservation District or other provider approved by EPTA and implement recommended fertilizing practices. The course must be taken annually. Documentation, including proof of enrollment, implementation of recommendations, number of fertilizer applications annually, and amount of fertilizer used per application must be submitted annually.

4.29 A Separate MS4 Permit Credit is applicable to parcels that are identified by PADEP as being required to obtain and comply with the terms of a Municipal Separate Storm Sewer System (MS4) Permit. Eligible parties may receive a 50% Credit that will be applied to the portions of the parcel served by its separate MS4 Permit. The portions of the parcel served by the MS4 will not be eligible for further credits above the 50% Credit. Portions of the parcel with Impervious Surface area runoff that is not captured by the MS4 are not eligible for the 50% MS4 Credit but may be eligible for Credits in accordance with Sections 14.18 and 14.19 of this document. MS4 Credit applicants must provide the following documents with their Credit Application: the MS4's most recent Notice of Intent for coverage and a copy of the MS4's most recent annual report.

The Credit for parcels with a separate MS4 will be calculated using the formula:

$$\text{Approved Credit} = 50\% * \% \text{ of Impervious Surface area served by separate MS4}$$

4.30 The ultimate goal of the stormwater program and credit policy is to improve local and regional water quality. Therefore, residents are encouraged to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a resident has an idea for a project that could be worth stormwater credits, the Township encourages

the resident to submit the project idea under the Stormwater Partnership Credit. Credit will be based upon benefit analysis demonstrating actual cost reduction to be realized by the Township up to a maximum of 25%. A Stormwater Partnership Credit may also be issued to residents whose properties lie within desired project areas where both the resident and the Township would benefit from a shared stormwater control measure or right-of-way access.

4.31 Prior to the first imposition of User Fees, Owners of Non-Residential Properties in the Township will receive a letter from EPTA containing the property's Impervious Surface calculation and an estimated User Fee. Within thirty (30) days of receipt of such letter, property Owners may request a meeting with EPTA or its designee to challenge the Impervious Surface calculation.

4.32 Property Owners may, at any time, commence an informal inquiry process with EPTA, if the Owner believes that the User Fee for their property has been calculated incorrectly. The property Owner shall submit a fully completed Inquiry Form to EPTA or its designee. When submitting an Inquiry Form, property Owners must include a detailed statement of the basis for such inquiry and documents supporting the Owner's assertions. EPTA or its designee will review the Inquiry Form and supporting materials within sixty (60) days and, if the inquiry is approved, adjust the User Fee accordingly.

4.33 If the Owner's request for an adjustment is approved, the property Owner will be credited any amount paid in excess of the adjusted User Fee from the date that the Inquiry Form was first filed. The Credit will be applied to the subsequent billing period(s). Adjusted fees will be applied retroactively from the date the inquiry was first filed and no further.

4.34 If impervious structures are replaced with pervious structures (e.g. an asphalt parking lot is replaced with pervious concrete, etc.), this is considered a Structural BMP. In these situations, the property Owner should apply for a Credit, not file an inquiry for reduction of Impervious Surface area related to construction.

4.35 **DISCLAIMER** - By submitting a EPTA Stormwater Management Program Fee Credit Application pursuant to the EPTA Stormwater Management Program Credits and Incentives Policy, Property Owner acknowledges and agrees that he and his heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all BMPs constructed, installed, or employed by the Property Owner. EPTA shall not be responsible for or liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom. Property Owner and his heirs, grantees, successors, and assigns shall indemnify and hold harmless EPTA, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorneys' fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMP.

### **Section 5. Repealer.**

All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed.

**Section 6. Severability.**

If any section, paragraph, subsection, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

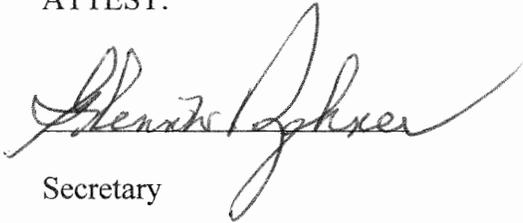
**Section 7. Effective Date.**

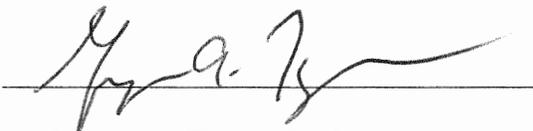
This Resolution shall be effective retroactively to April 1, 2020.

ENACTED, RESOLVED AND APPROVED by the Board of the East Pennsboro Authority this 10<sup>th</sup> day of June, 2020.

ATTEST:

EAST PENNSBORO TOWNSHIP AUTHORITY

  
Secretary

By:   
George A. Tyson, Chairman

# APPENDIX A – SUMMARY OF AVAILABLE CREDITS

Table 1. Summary of Available Credits by Property Type.

CREDIT DESCRIPTION	STRUCTURAL	NON-STRUCTURAL	INSTITUTIONAL	MAXIMUM CREDIT AMOUNT
Rate Controls	X			25%
Volume Controls	X			25%
Education Program		X		20%
Fertilizer Management Program		X		15%
Separate MS4			X	50%
Riparian Buffer	X			25%
Partnership Credit		X		25%

**APPENDIX B –  
STORMWATER MANAGEMENT PROGRAM  
FEE CREDIT APPLICATION**

# Stormwater Credit Application Form

## Credit Application Instructions

This form is provided to EPTA stormwater customers who believe they qualify for an approved stormwater Credit. Customers should review the EPTA Credit Policy for eligibility requirements for Credits. Customers are encouraged to use our online form at <https://www.eastpennsboro.net/stormwater>

Please fill out all sections on the first page of the form, except for the last section marked "For EPTA Use Only". Please fill out all applicable sections on pages 2 and 3 related to the Credits you are applying for.

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

**East Pennsboro Township Authority**  
98 S. Enola Drive  
Enola, PA 17025

An EPTA representative will review the Stormwater Credit Application Form within 60 days of receipt of the completed form.

## Please Mark All Credits That Apply

- |   |   |
|---|---|
| <input type="checkbox"/> Fertilizer Management Credit | <input type="checkbox"/> Education Program Credit |
| <input type="checkbox"/> Structural BMP Credit        | <input type="checkbox"/> Rate Control Credit      |
| <input type="checkbox"/> Volume Control Credit        | <input type="checkbox"/> Riparian Buffer Credit   |
| <input type="checkbox"/> Separate MS4 Credit          | <input type="checkbox"/> Partnership Credit       |

## Customer Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Billing Street Address: \_\_\_\_\_  
Address Line 2: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

## For EPTA Use Only

Date Received: \_\_\_\_\_ Credit(s):  Granted  Denied  
Date Reviewed: \_\_\_\_\_ Reviewer: \_\_\_\_\_

## Stormwater Credit Application Form (Cont.)

### Structural BMP

Check all boxes that apply:

- I have a BMP that controls for rate
- I have a BMP that controls for volume
- I have a BMP that controls for water quality
- I have a BMP but I'm not sure what it does

Please attached any supporting information.

### Additional Credits

If you are applying for any of the following credits, EPTA will contact you to discuss the details of the credit after you submit page 1 of the application.

- Separate MS4 Permit
- Education Credit
- Partnership Credit

### Confirmation of Credit Conditions and EPTA Access Rights

I, (please print name) \_\_\_\_\_ agree to all conditions of the Credits I have applied for as outlined in the EPTA *Stormwater Management Program Credits and Incentives Policy*. Additionally, I agree that EPTA may at reasonable times enter my property to inspect the property or condition or operation of BMPs.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

**APPENDIX C –  
PRE-APPLICATION MEETING REQUEST  
FORM**

# Pre-Application Meeting Request Form

## Pre-Application Instructions

This form is provided to EPTA Non-Residential stormwater customers who want to install a new BMP or retrofit an existing BMP to become eligible for EPTA stormwater Credits.

Please fill out all sections on the form, except for the last section marked "For EPTA Use Only".

You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

**East Pennsboro Township Authority**  
98 S. Enola Drive  
Enola, PA 17025

An EPTA representative will be in contact to schedule a mutually agreeable meeting date and time to review the proposed changes.

## Please Mark All That Apply

- I want to install a new BMP
- I want to retrofit an existing BMP
- I want to request a review of my property to determine potential BMPs
- Other: \_\_\_\_\_

## Customer Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Email: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Account Number: \_\_\_\_\_  
Property Street Address: \_\_\_\_\_  
Address Line 2: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Parcel ID (if known): \_\_\_\_\_

## For EPTA Use Only

Date Received: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_  
EPTA Personnel: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_

**APPENDIX D –  
CONTINUATION OF EXISTING CREDIT FOR  
NEW PROPERTY OWNERS**

# Continuation of Existing Credits Form

## Application Instructions

This form is provided to EPTA stormwater customers who are a new owner of a property that has existing Credits associated with the property.

Please fill out all sections on the form, except for the last section marked "For EPTA Use Only".

Please mail completed form to:

**East Pennsboro Township Authority**  
98 S. Enola Drive  
Enola, PA 17025

An EPTA representative will review the Application Form within five (5) business days of receipt of the completed form.

## Please Mark All Credits That Apply

- |   |   |
|---|---|
| <input type="checkbox"/> Fertilizer Management Credit | <input type="checkbox"/> Education Program Credit |
| <input type="checkbox"/> Structural BMP Credit        | <input type="checkbox"/> Rate Control Credit      |
| <input type="checkbox"/> Volume Control Credit        | <input type="checkbox"/> Riparian Buffer Credit   |
| <input type="checkbox"/> Separate MS4 Credit          | <input type="checkbox"/> Partnership Credit       |

## Customer Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Account Number: \_\_\_\_\_ Parcel ID (if known): \_\_\_\_\_

Billing Street Address: \_\_\_\_\_

Address Line 2: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

I, (please print name) \_\_\_\_\_ agree to all conditions of the Credits associated with the above referenced property as outlined in the *EPTA Stormwater Management Program Credits and Incentives Policy*. Additionally, I agree that EPTA may at reasonable times enter my property to inspect the property or condition or operation of BMPs. I also understand my obligations to any conditions listed in any Operation and Maintenance Agreements that are in existence for this property with the Township of East Pennsboro or EPTA.

## For EPTA Use Only

Date Received: \_\_\_\_\_ Credit(s):  Granted  Denied

Date Reviewed: \_\_\_\_\_ Reviewer: \_\_\_\_\_