

# ISLE OF WIGHT COUNTY NON-RESIDENTIAL STORMWATER MANAGEMENT FEE CREDIT POLICY

## INTRODUCTION:

On May 16, 2013, the Isle of Wight County Board of Supervisors adopted the implementation of a Stormwater Management (SWM) Fee by adding Article X – Stormwater Management Fee to Chapter 14A Stormwater Management Ordinance of the Isle of Wight County’s Code of Ordinances. The SWM Fee became effective on July 1, 2013. The County is required by State Code to provide a mechanism to allow for credits to the stormwater management fee.

This policy describes how developed non-residential properties can qualify and apply for a credit to their fee by properly maintaining existing stormwater management facilities, making improvements to existing stormwater controls, and/or implementing new best management practices (BMPs) to improve stormwater quality and/or reduce stormwater runoff on their property.

No credits will be available until the property owner or his agent documents either the existence of a BMP Maintenance Agreement or enters into a new BMP Maintenance Agreement with the County.

## STORMWATER MANAGEMENT FEE

The fee amount charged to each non-residential developed property is directly proportional to the impervious surface on each property. Impervious surfaces are generally defined as any surface materials that impede stormwater from infiltrating into the soil. An Equivalent Residential Unit (ERU) impervious area of 3,200 square feet at a rate of \$72 per ERU is defined by the Stormwater Management Ordinance. Refer to the Isle of Wight County Uniform Fee Schedule for the most current ERU rate and associated impervious area.

## STORMWATER MANAGEMENT FEE CREDIT POLICY

A Stormwater Management Fee Credit allows for a reduction in the assessed stormwater management fee for property owners that manage their stormwater runoff and that have a County BMP Maintenance Agreement in place.

Non-residential property owners that install or have installed stormwater Best Management Practices (BMPs) to reduce the stormwater volume and/or peak discharge rate or pollutant loading from their property can qualify to receive a reduction in their

stormwater management fee. A BMP is an activity, measure or facility that prevents or reduces the transport of pollutants, controls stormwater volume or rate and/or limits the impacts to the receiving storm drainage system. These measures can include on-site practices such as bio-retention facilities, vegetated swales and ponds that manage stormwater at its source. The County encourages the use of low-impact design strategies in the planning of development projects. In order to qualify for any type of credit, a recorded BMP Maintenance agreement in accordance with the Isle of Wight County Ordinance and Stormwater Management Program Policies and Procedures shall be in place.

County approval of non-residential stormwater management fee credits will be based on:

- the reduction of total phosphorus (TP) load in the stormwater flowing from a property, and/or
- a reduction in the volume and/or peak flow rate of stormwater discharge from a property, and
- the location and development condition of the property. Refer to Location and Development Condition section below for a summary of the avenues available to achieve stormwater credits. Credits may be obtained through the installation, continuing use, and proper operations and maintenance of BMPs that are not County owned or maintained.

## **CREDITS REQUIREMENTS AND TYPES**

### **CREDIT REQUIREMENTS**

In order to receive the full available SWM Fee credit (40%), a developed non-residential property owner must install a County-approved BMP, modify an existing BMP to meet the design criteria referenced in this policy, or provide evidence that an existing BMP meets the criteria needed to achieve a credit.

Property owners or their agents may apply for water quality and quantity credits for County-approved BMPs. **The total credit shall not exceed 40%.**

### **CREDIT TYPES**

Due to differences in the previous design criteria, existing developments in both the Chesapeake Bay and Blackwater River watersheds have customarily been designed to provide water quantity control measures, to achieve peak flow attenuation. Developments in the CBPA watershed were also likely required to provide a water quality control treatment component, to achieve pollutant removal requirements. Therefore, this policy defines two types of credit that are available

applicable to existing developments, namely **Water Quantity Credits** and **Water Quality Credits**.

#### **STORMWATER QUANTITY CREDIT**

Stormwater Quantity credits are available to property owners that currently have quantity-only stormwater BMPs on their property that were designed and constructed to meet County and State regulations at the time of development. This condition addresses properties outside the Chesapeake Bay watershed that were not subject to providing water quality treatment at the time those properties were developed.

A Stormwater Quantity credit of up to 20% is available to applicants in the Blackwater River Watershed who have installed a County-approved BMP that reduces stormwater peak flow rate. These practices reduce the demand or burden on the receiving stormwater conveyance system as well as our streams and rivers.

Stormwater Quantity credits are applied as follows:

Existing BMPs in the Blackwater Watershed approved prior to July 1, 2014 qualify for:

- A 20% credit for sites that meet the 10-year storm peak flow requirement from pre- to post-development.
- An additional 20% credit is available for those sites that achieve attenuation of the post-development 25-year storm to pre-development levels.

Existing BMPs in the Chesapeake Bay Watershed approved prior to July 1, 2014 qualify for:

- A 10% credit for sites that meet the 10-year storm peak flow requirement from pre- to post-development.
- An additional 10% credit is available for those sites that achieve attenuation of the post-development 25-year storm to pre-development levels.

#### **STORMWATER QUALITY CREDIT**

A Stormwater Quality credit of up to 40% is available to applicants who have installed a County-approved BMP that provides water quality treatment to stormwater runoff flowing through the BMP. The credit is based on the amount of total phosphorus (TP) that is treated by the BMP. The applicant can increase the credit received by exceeding the TP load reduction that is required by current

Virginia Stormwater Management Program regulations. The target phosphorus load is 0.41 lbs per acre per year. Table 1 describes how the Stormwater Quality credit is calculated.

**TABLE 1: STORMWATER QUALITY CREDITS ALLOWED  
BASED ON RATIO OF LBS OF TP REMOVED/LBS OF TP REMOVAL REQUIRED**

Ratio of TP Treated/TP Required	Total Credit Allowed
1.0	20%
1.25	30%
1.5	40%

The total amount of phosphorus (in lbs/year) required to be removed from the stormwater conveyed from a site can be calculated using the Virginia Runoff Reduction Method (VRRM). This methodology calculates the TP load reduction required as well as the corresponding design treatment volume. It is required that applicants for developments permitted after July 1, 2014 obtain and utilize the latest version of the VRRM Spreadsheets for New Development and Redevelopment that are posted on the DEQ website:

<http://www.deq.virginia.gov/Programs/Water/LawsRegulationsGuidance/Guidance/StormwaterManagementGuidance.aspx>

Once the required TP load reduction is calculated, the applicant can utilize the VRRM spreadsheets, as well as the most recent version of the Virginia Stormwater Management Handbook (VSMH), to determine which BMPs are appropriate for their site conditions and achieve the TP removal efficiency required. All future development activities will be subject to Part II B of the VSMP regulations (Technical Criteria 'B') and shall use the VRRM methodology.

All new BMPs must be designed and constructed in accordance with the VSMH, which can be found on the DEQ Stormwater Management Publications website at : <http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications.aspx>), or the Virginia Stormwater BMP Clearinghouse (<http://vwrrc.vt.edu/swc/>).

BMP retrofits for existing facilities, at the discretion of the owner or his agent and with prior approval from the Stormwater Division, may be designed in accordance with the technical criteria used at the time of plan approval.

## **ADDITIONAL REQUIREMENTS**

Additional requirements necessary to be considered for County approval of a stormwater management fee credit are defined below:

### **INSTALLATION STANDARDS**

- All new BMPs subject to Technical Criteria B must be designed and constructed in accordance with the VSMH, which can be found on the DEQ Stormwater Management Publications website at: (<http://www.deq.virginia.gov/Programs/Water/StormwaterManagement/Publications.aspx>), or the Virginia Stormwater BMP Clearinghouse at: (<http://vwrrc.vt.edu/swc/>).
- All new BMPs must have all required County and State permits and approvals.
- Existing BMPs without formal documentation may be eligible for attaining a credit as well. The property owner shall undertake or cause to provide an engineering analysis to determine what design criteria applied at the time of construction. This analysis should be coordinated with the Isle of Wight County Stormwater Division to ensure the designer and County staff agree on the criteria prior to formally submitting the credit application.

### **APPLICATION & DOCUMENTATION REQUIREMENTS**

- Stormwater Credit Application Form
- BMP Maintenance Agreement
- Annual BMP Self-Inspection Reports

### **MAINTENANCE REQUIREMENTS**

- A BMP Maintenance Agreement with a BMP specific maintenance plan, checklist and estimate of maintenance cost is required to be recorded at the Courthouse with a recorded copy submitted to the Stormwater Division for all BMPs to receive credit.
- All maintenance must be completed within the recommended guidelines of the Virginia Stormwater Management Handbook.
- The property owner has the legal responsibility to maintain the BMP.
- The County reserves the right to routinely and independently inspect the BMP to ensure that regular maintenance is being performed as required.

### **RESTRICTIONS ON CREDITS**

- The BMP must meet all applicable building department and planning and zoning department ordinances requirements.

- The Stormwater Quality and Quantity credits apply only to the applicant. Credits do not transfer if ownership changes. A new application must be submitted and a new BMP Maintenance Agreement (or evidence of transfer of the existing Agreement to a new responsible Owner) shall be provided in order to continue receiving the credit.
- A credit may never bring the total billable ERUs below 1 ERU.

#### **RENEWAL REQUIREMENTS**

- The owner will be required to submit proof of self-inspection and maintenance activities pursuant to the BMP Maintenance Agreement in order to continue receiving the annual credit.

All credits for new or modified BMPs are also subject to the submittal of a formal BMP Maintenance Agreement and routine inspections and maintenance.

The credit will be valid for an indefinite period as long as the owner or his agent submits an annual self-inspection report detailing all maintenance, at a minimum, was performed in accordance with the BMP maintenance schedule for that facility. The owner will be required to submit annual proof of self-inspection and maintenance activities pursuant to the BMP Maintenance Agreement in order to continue receiving the credit. County staff will conduct independent and periodic BMP inspections in accordance with the procedures defined in the Stormwater Management Ordinance.

#### **LOCATION AND DEVELOPMENT CONDITION**

The following developed non-residential categories are provided for considered for consideration of credit issuance:

- **Existing developed non-residential properties**
  - In Blackwater River watershed:
    - Can achieve a 20% credit by meeting the peak flow attenuation required at the time of development. Verification of BMP storage volume is required.
    - Can achieve up to the maximum 40% credit by exceeding peak flow attenuation required at the time of development as noted in the Stormwater Quantity Credit section above. Verification of BMP storage volume is required.

- Should atypical as-constructed conditions apply to an existing BMP, and as based on an engineering analysis of the existing conditions, a water quality credit may be applicable to achieve credits for water quality treatment as noted in Table I above. Verification of water quality volume provided is required.
  - BMP conversions or modifications may be constructed to meet the same water quantity removal requirements in place in the Chesapeake Bay watershed at the time of design approval to achieve an additional 20% credit.
  - BMP conversions or modifications may be constructed to meet the Criteria IIB water quantity removal requirements that become effective County-wide in July 1, 2014 to achieve an additional 20% credit.
  - New BMP measures can be designed to implement the existing Technical Design Criteria in Part II C of the VSMP regulations (Technical Criteria C) and covered under a State Permit or VSMP Authority Permit prior to July 1, 2014. All new development after that date will be subject to new Technical Design Criteria (Technical Criteria B).
- In Chesapeake Bay watershed:
    - Can achieve a 10% credit by meeting the peak flow attenuation required at the time of development. Verification of BMP storage volume is required. An additional 10% credit is available for exceeding the quantity requirement by attenuating the peak flow from the 25-year storm event.
    - In addition to the peak flow attenuation credit noted above, an owner can achieve another 20% credit for meeting water quality removal requirements at the time of design approval, to gain up to the maximum 40% credit. Verification of existing water quantity volume matching the design water quality volume is required.
    - Can achieve between 10% and the maximum 40% water quantity credit by modifying an existing pond to meet or exceed the pollutant removal requirement as noted in the Water Quantity Credit section above.

- **New development activities on non-residential properties**

All new developments County-wide will be subject to Technical Criteria IIB and may achieve credits based on the Water Quality Credit section above.