



## Stormwater Utility Fee Credit and Adjustment Manual

City of Cleveland,  
Tennessee

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**CDM**  
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# Section 1

## Introduction

The City provides administration, planning, operation and maintenance and capital improvements to the stormwater system (within the city maintained street rights-of-way). Traditionally, funds allocated for stormwater management have been used to address immediate stormwater problems and have not been adequate to develop a comprehensive stormwater management program.

Of particular concern for the citizenry of Cleveland is the widespread, repetitive flood losses. In addition to periodic nuisance flooding, the City experienced significant flooding events in 2003 and 2011. In response, the City partnered with the Army Corps of Engineers to develop a flood study to identify potential flood reduction projects to protect the citizens of Cleveland. However, funding was not in place to implement these projects once identified.

A second concern for the City is addressing regulatory requirements for the protection of local water quality. In 2003, the City was issued a permit under the United States Environmental Protection Agency's (USEPA's) National Pollutant Discharge Elimination System (NPDES) Phase II program to authorize stormwater discharges from the City's municipal separate storm sewer system (MS4). The unfunded mandate required the City to fund and implement six new stormwater program elements. In 2010, the permit was renewed by the State and expanded to include additional requirements, such as runoff reduction measures, enforcement measures and stream sampling.

In response to these flooding concerns and unfunded mandates for water quality improvement, the City of Cleveland developed an enhanced stormwater program and a stormwater utility funding mechanism with the passage of Title 18, Chapter 4 of the City Code (Stormwater Utility Ordinance) in July 2015. The Utility provides the City with the authorization to establish and collect rates, fees, and charges for the stormwater services, programs and facilities provided by the City. Opportunities for Credits and Adjustments were also created in the Utility Ordinance.

Please note that the rules and policies described in this manual are subject to change should the City modify any existing stormwater ordinances or if the State or Federal government alters the City's NPDES Phase II stormwater permit.

### 1.1 Definitions

All definitions as used in the credit manual, unless the context clearly indicates otherwise, shall have the meanings assigned in the following sections. In case a definition provided herein is different than Title 18, Chapter 4 of the City Code, the City Code prevails. Words not defined in this section will have the meaning given by common and/or ordinary use as defined in the latest edition of Webster's Dictionary.

- **Agricultural Lands** – Agricultural Lands are lands upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman, as defined in Tennessee Code Annotated § 67-6-207.
- **Adjustment** - An Adjustment is a change made to a Fee to correct an overcharge or an undercharge of a customer’s stormwater management service charge.
- **Built-upon area (BUA)** - That portion of a development project that is covered by impervious or partially impervious surface (see Impervious Surface Area for more information).
- **City Standards** – City Standards includes those standards for design, construction and maintenance of stormwater facilities. These standards are found on the City’s website: <http://www.clevelandtn.gov/index.aspx?NID=165>
- **Credit** - A Credit is a Fee reduction a customer receives for implementing practices that mitigate the peak discharge or runoff pollution or decreases the City’s cost of maintaining the system beyond standard (base) requirements.
- **Credit Application** - Credit Applications are those applications for New or Existing Stormwater Facilities and/or eligible Credit programs.
- **Customer** - Customer is the person or entity to which a Fee is sent. Customers may include the owner, occupant, or tenant of property, a homeowner’s association with responsibility for property or for common areas associated with property, or a person or entity who has requested in writing to be the recipient of the Fee for a property.
- **Developed Property** - Developed Property means real property which has been altered from its natural state by the creation or addition of an impervious surface area, by the addition of any buildings, structures, pavement or other improvements.
- **Fee** – Fee or Stormwater user’s fee means the charge established by ordinance, and levied on owners or users of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining, and improving the stormwater system in the city. The stormwater user’s fees are in addition to any other fee that the city has the right to charge under any other rule or regulation of the city.
- **Impervious surface** – Impervious surface means any material which substantially reduces and/or prevents absorption of stormwater into the ground.
- **Impervious surface area** – This means the number of square feet of horizontal surface covered by buildings, and other impervious surfaces. All building measurements will be made between exterior faces of walls, foundations, columns or other means of support or enclosure.
- **Large Single Family** - A large single-family residence is a residence defined as approximately 1.5 SFU, or any property with greater than 5,900 square feet of impervious surface.

- **Maintain or Maintenance** - This means any action necessary to keep stormwater best management practices and devices in proper working condition, so that such facilities will continue to comply with State law and City Standards to prevent safety hazards, to prevent public nuisances, and to prevent the failure of stormwater control measures and devices and to function as credited. Maintenance includes activities identified on approved stormwater control plans, any applicable stormwater operations and maintenance manual, any applicable agreements or certifications to the City, and those activities outlined in City Standards.
- **Medium Single Family** - A medium single-family residence is a residence defined as approximately 1 SFU, or any property with an impervious area ranging from greater than 1,775 and less than 5,901 square feet of impervious surface.
- **Municipal Storm Sewer (System)** - The system of roadside drainage, roadside curbs and gutters, curb inlets, swales, catch basins, culverts, cross drains, headwalls, junction boxes, outlets, manholes, gutters, ditches, pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, water quality best management practices, and similar conveyances and facilities, both natural and manmade, located within the City which are designated or used for collecting, storing, or conveying stormwater, or through which stormwater is collected, treated, stored or conveyed, whether owned or operated by the City of Cleveland or other owner/operator/person.
- **National Pollutant Discharge Elimination System (NPDES)** - As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point source and non-point source discharges into waters of the United States. Phase I of the NPDES Storm Water Program began in 1990 and applied to large and medium municipal separate storm sewer systems (MS4) and 11 industrial categories including construction sites disturbing five acres of land or more. Phase II of the NPDES Storm Water Program began in 2003 and applies to additional MS4s and construction sites disturbing equal to or greater than one but less than five acres of land. Operators of MS4s covered by Phase I and II must obtain an NPDES permit for their storm water discharges. Once they receive their discharge permit, they must fully implement all storm water runoff control practices identified in the permit.
- **Non-Single Family Residential Property** - This means land that is zoned, developed or used solely as residential land, including, but not limited to, duplexes, townhouses, apartments, condominiums, mobile homes, mobile home parks, mixed use buildings and other multi-unit residential developments, or any other lands upon which there are residential structures that contain more than one (1) dwelling unit.
- **Other Developed Property** - This means developed property other than single-family or non-single-family residential property. Such property includes, but not be limited to, commercial properties, industrial properties, parking lots, hospitals, schools, recreational and cultural facilities, hotels, offices, churches, and mixed-use property.
- **Pre-Developed Conditions** - The condition of a property before development on the parcel occurs (i.e. forested or open space).

- **Post-Developed Conditions** – The condition of a property following any development activity on the parcel. For upstream areas, this refers to complete build-out conditions, as determined from current zoning and the City’s Development and Engineering Services Department.
- **Property Owner (Owner)** – This means the property owner of record as listed in the county’s assessment roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.
- **Single-Family Residential Property** – This means a developed property which serves the primary purpose of providing one detached dwelling unit for one family or housekeeping unit, but this does include single wide mobile homes, even if attached to the land or there is only one unit on the property.
- **Single-Family Unit or SFU** - This means the average square footage of the impervious surface area for a single-family residential property determined pursuant to Title 18, Chapter 4 of the City Code.
- **Small Single-Family Residence** - A small single-family residence is a residence defined as approximately 0.5 SFU, or any property with less than 1,776 square feet of impervious surface.
- **Stormwater facilities or Stormwater flood control facilities** - means all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface water within the jurisdictional boundaries of the city. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.
- **Stormwater Management Service Charge (Fee)** – The fee is the charge to provide stormwater services to developed property. The charge is based upon the single-family equivalent residential unit (SFU) as calculated for that property and multiplied by the single family equivalent residential unit rate.
- **Stormwater Management Fund or Fund** - This means the fund created by Title 18, Chapter 4 of the City Code to operate, maintain, and improve the city’s stormwater system.
- **Stormwater Management Ordinance** - Stormwater Management Ordinance means Title 18, Chapter 3 of the City Code, as amended to date, which details the City’s stormwater runoff and policies.
- **Stormwater Services** - Stormwater Services means City stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and City service of structural and natural stormwater and drainage systems of all types. Stormwater services include any cost necessary to assure

that all aspects of stormwater quality and quantity are managed in accordance with federal and State laws, regulations and rules, and costs related to the mapping, planning, construction, operation, maintenance, inspection, management and regulation of the stormwater management system and the regulation of impervious surface and stormwater.

- **Stormwater Utility Ordinance** – Stormwater Utility Ordinance means Title 18, Chapter 4 of the City of Cleveland Code of Ordinances, as amended to date.
- **Undeveloped Land** – Undeveloped land means all land that is not altered from its natural state to extent that results in less than five hundred (500) total square feet of impervious surface area per individual lot.
- **2-year, 24-hour storm** - The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 2 years and with a duration of 24 hours.
- **10-year, 24-hour storm** - The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 10 years and with a duration of 24 hours.
- **25-year, 24-hour storm** - The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 25 years and with a duration of 24 hours.
- **50-year, 24-hour storm** - The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 50 years and with a duration of 24 hours.
- **100-year, 24-hour storm** - The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 100 years and with a duration of 24 hours.

## 1.2 Responsibility

Stormwater services are provided to citizens primarily by the City of Cleveland Development & Engineering Services and Public Works Departments. The Development and Engineering Services Director has responsibility for the Stormwater Utility as well as the planning and assessment of the stormwater management system, enforcement of soil erosion and sedimentation control regulations, the Stormwater Ordinance, and the management of capital improvement drainage programs. The Public Works Director is responsible for the organization and operation and maintenance staff. Cleveland Utilities is responsible for billing of stormwater management service charges, under the direction of the Development and Engineering Services Director and the Stormwater Coordinator.

## 1.3 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 facilities, the City reduces the adverse effects of stormwater and improves the quality of groundwater, streams, rivers, and lakes in and around the City.

## 1.4 Stormwater Utility

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 Cleveland citizens, the City has established a stormwater utility. It is administered similar to a water or wastewater utility. As a water utility fee is proportional to the demand for water by a Customer, the Stormwater Management Service Charge (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.

## 1.5 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 Facilities which benefit the City as well as additional non-structural Fee Credit opportunities. Adjustments are Fee changes due to errors, omissions or corrections made in the Fee paid by a Customer.

Customers may qualify for Credit when they can demonstrate to the satisfaction of the Development and Engineering Services Director that their Existing or New Stormwater Facility and/or on-site non-structural water quality improvement practices provide 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 Facility is located or where the non-structural practice is in effect. The Facility 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 Stormwater Management Ordinance.

The City has also established an appeals process that allows Customers to appeal for Adjustment if they determine their Fee is applied in error. Section 2 of this manual details the policy for Appeals for Adjustment 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 (Title 18, Chapter 4 of the City Code). An Adjustment is a change made to a Fee to correct an overcharge or an undercharge of a customer's Stormwater Management Service Charge. Adjustments are not to be confused with Credits, which are intended to reduce a Fee by a percentage reflecting the System benefit from Customer implemented stormwater management practices. 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 and the Stormwater Management Ordinance. Requests for adjustment of the stormwater user fee shall be submitted through the Development and Engineering Services Director, who has the authority to administer the procedures and standards, and review criteria for the adjustment of fees as established herein. The Development and Engineering Services Director shall respond in writing within 60-days to all adjustment requests. The response shall provide an explanation of adjustment approval or denial as well as requests for additional information. Adjustment denials may be appealed to the Development and Engineering Services Director and then to the Stormwater Regulation Board as discussed in Section 2.6. All requests shall be judged on the basis of the amount of impervious area on the site. Adjustment opportunities are detailed below.

## 2.1 Impervious Area Measurement and Tier Adjustment

The City has applied County Tax Records and GIS technology to determine the Impervious Surface Area for all properties within the City Limits, using both direct measurement for other developed property and statistical analysis for single-family residential properties. Fees assigned to single-family residential properties are based on a tiered rate structure. A three-tiered fee structure was developed defining a "Small Single Family" Property as property approximately 50 percent of the average SFU, with less than 1,776 square feet of impervious surface. A "Medium Single Family" Property is defined as a property approximately one SFU, with 1,776 to 5,900 square feet of impervious surfaces, and a "Large Single Family" Property is approximately 1.5 SFU with greater than 5,900 square feet of impervious surfaces. The Fee assigned to each single family residence is based on their assigned tier. If a single-family residential Customer has reason to believe that the tier assignment component of their stormwater user fee is incorrect, they may submit a written adjustment request on Stormwater Management Utility Form No. 1 in Appendix A.

Similarly, if a non-residential Customer has reason to believe that the Impervious Surface Area component of their stormwater fee is incorrect they may submit a written adjustment request on Stormwater Management Utility Form No. 1 in Appendix A. The first step in the non-residential adjustment process will be a review of the City's calculation of the impervious area. If resolution is not achieved, the City may request the customer to provide supplemental information to the Development and Engineering Services Director. Failure to provide such information may result in the denial of the adjustment request.

## 2.2 Minimum Impervious Area Adjustment

A Fee will not be charged to Customers with less than 500 square Feet of Impervious Surface Area. A Customer receiving a Fee for property with less than 500 square Feet of Impervious Surface Area will be eligible for an Adjustment through the appeals process.

## 2.3 Property Classification Adjustment

Properties that have been incorrectly classified by use may be eligible for an Adjustment under the appeals process. For example, residential properties that have been classified as commercial property may seek a reclassification and a correction of the Fee charged to the property. This policy also addresses the classification of customers into the tiered residential rate structure.

## 2.4 Additional Stormwater Fee Adjustments

In addition to the adjustments based on errors in impervious area calculation, adjustments may also be given when a customer meets any of the following requirements:

- (1) The customer demonstrates that rainfall occurring on an impervious area does not generate runoff (i.e. has no outlet), is completely watertight, and/or the runoff is contained with no discharge for design storm events through the 100-year event. The purpose of this adjustment is to credit unusual circumstances whereby a property owner provides full containment for on-site runoff. For these specific cases, customer's SFUs will be adjusted by removing from the SFU calculation the amount of impervious area that does not generate runoff. This may require calculations by a registered professional engineer licensed in the State of Tennessee paid for by the applicant.
- (2) The customer demonstrates that on-site gravel is not compacted, not used for vehicular traffic, and is pervious. The City may grant adjustments for non-compacted gravel areas used for landscaping or other purposes.
- (3) The City of Cleveland expends funds for dealing with the quality and quantity of all surface waters flowing within its boundaries that carry public water. Thus these systems are defined in Section 1 and may be man-made or natural systems. Customers whose stormwater runoff does not discharge into a Stormwater Flood Control Facility managed by the City shall be exempt from paying the user fee. Adjustments will be granted only for that portion of the property's impervious surface area that does not discharge through the Stormwater Flood Control Facility managed by the City.

## 2.5 Exemptions

Most 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) Property which stormwater runoff is not discharged into or through the stormwater flood control facilities, or both, of the city;
- 2) Owners and/or operators of agricultural property, in the city, upon which the owner and/or operator conducts activities that enable the owner and/or operator to satisfy the requirements of a qualified farmer or nurseryman, as defined in Tennessee Code Annotated, Section 67-6-207.
- 3) Undeveloped property that is not altered from its natural state.
- 4) Developed property with less than five hundred (500) total square feet of impervious surface area per individual lot.
- 5) Improved public transportation ways, including public streets, roads, sidewalks, mobility paths, greenways and trails, airport runways, and internal roads within public facilities, which have been conveyed to the city and are used by the general public for motor vehicle transportation.
- 6) Railroad tracks, provided, however, railroad stations, maintenance buildings or other developed land will not be exempt from stormwater user fees.

## 2.6 Process of Appealing for an Adjustment

Adjustments are obtained by participating in the appeals process described above and in Section 18-413 of the Stormwater Utility Ordinance. Any Customer that contends their Fee is not in proportion to the amount of Impervious Surface Area on their property may apply for an Adjustment by submitting the appeals form in Appendix A to the Development and Engineering Services Director. As part of the submission, the Customer must provide the City with evidence or justification for the correction of the Fee in question. Request for adjustment must be submitted to the City within thirty (30) days from the date of the last bill containing the Customer's stormwater user fee. The Development and Engineering Services Director may request additional information from the appealing party. Adjustments will be determined on the basis of the number of dwelling units or amount of impervious surface area on the property. The Development and Engineering Services Director shall notify the appealing party in writing of his decision. Adjustments can also be made by the City should the City identify an error or oversight, provided the City notifies the customer in advance of the adjustment.

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 prior year unless the Adjustment is the result of an error in billing by the City. Reimbursements for billing overcharges may be received for up to 36 months past the date of billing, as stated in the City's Stormwater Utility Ordinance (Section 18-413). Adjustments will not be awarded for any period preceding Fee inception or preceding the date at which the City determines that the stormwater runoff generated from the property is inconsistent with the Fee paid. Any reimbursement granted due to a credit will be reimbursed to the customer via a check issued by the City.

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## Section 3

# Stormwater Fee Credit Opportunities

A customer may be eligible for a credit under the following categories:

- 1) the customer has installed a Stormwater Facility to the standards specified in this document to control stormwater quantity
- 2) the customer has installed a Stormwater Facility to the standards specified in this document to control stormwater quality using green infrastructure/low impact development (LID)
- 3) the customer holds and is in compliance with an NPDES Industrial Stormwater Permit
- 4) the customer agrees to provide stormwater education
- 5) the customer has achieved LEED certification on their property
- 6) the customer has established appropriate, permanent stream buffers
- 7) the customer has installed certain best management practices on a single family lot

For water quality and water quantity credits, some engineering calculations may be required to receive credit. Therefore, certain parts of the application are required to be performed by a registered professional engineer. Original design documents may suffice. It is the responsibility of each customer to provide the proper documentation for this credit. Single-Family Residential Developed Lands are eligible for Water Quantity and/or Water Quality Credits if the Stormwater Facility subject to the credit is wholly owned and operated by one entity (such as a Neighborhood Association or other legally-recognized organization). In such instances, each dwelling unit demonstrated to contribute runoff to the qualifying Stormwater Facility may be eligible for its equal pro-rata share of the credit unless other arrangements for billing the Stormwater Fee to the Homeowner's Association was made. Owners of individual single family lots are also eligible for credits.

The maximum allowable credit for any combination of the six possible credits is 50 percent. Full credits (i.e. exemptions) for on-site best management practices are not offered since many of the existing City stormwater programs must be funded regardless of the activities of individual property owners. Also, regardless of best management practices on-site, all City customers benefit from the City-wide flood control projects that will be constructed using revenues from this fee program.

The following sections describe the seven types of Stormwater Fee Credit opportunities, eligibility requirements, credit enforcement, and the process of applying for the credit program. Completion of Stormwater Utility Form No. 2 (see Appendix A) is required to apply for any of the credits listed in the following sections. 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.

### 3.1 Stormwater Facility - Water Quantity Credit (i.e. detention)

The City's Stormwater Management Ordinance mandates engineered stormwater controls to minimize the qualitative and quantitative impacts of runoff and ensure compliance with state and federal regulations. For installing Stormwater Facilities exceeding City requirements specified in the Stormwater Ordinance, Customers will be eligible for a maximum credit of 50%.

To qualify, Customers must demonstrate that their Existing Stormwater or New Stormwater Facility manages stormwater generated from their immediate property and/or upstream tributary areas. In addition, the Facility must meet or exceed design criteria outlined in the Stormwater Management Ordinance, effectively reducing City stormwater management costs by lowering capital costs. The Stormwater Facility must also meet all Tennessee State Dam Safety standards. For each of the design storms discussed in the following sections, the stormwater facility must be designed to control the peak runoff rate from the Post-Developed conditions back to the Pre-Developed conditions, as defined in Section 1 of this manual. The structure of the Stormwater Facility Credit is explained below.

Table 3-1 shows the Credit opportunities for Customers with a Stormwater Facility that controls on-site stormwater runoff. A Customer that installs a Stormwater Facility to control on-site stormwater runoff may be eligible for a maximum credit of 20 percent. The percent of actual credit offered is determined by the site's compliance with current standards and/or exceedance of said standard. The City's current ordinance requires detention of the 2-, 5-, 10-, and 25-year, 24-hour storm events.

**Table 3-1 Stormwater Facility Credit Opportunities (Onsite Detention Controls)**

Storm Event for which Onsite Stormwater is Controlled by Stormwater Facilities	Credit Opportunity
2-, 5-, 10-, and 25-year storm event	10%
2-, 5-, 10-, 25-, and 100-year storm event	20%

Note: A Stormwater Facility controlling greater than the 100-year design storm receives the same credit as the 100-year storm event.

Additional Credits are available for Customers with a Stormwater Facility 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, of which is at least one acre in size, is eligible for a maximum credit of 5 percent in addition to the on-site credit. As an example, a Customer controlling both their onsite drainage area and an upstream tributary area greater than 1 acre for the 2-, 5-, 10-, 25-, and 100-year design storm event would be eligible for a maximum stormwater Fee credit of 25 percent (20% plus 5% bonus). In the case of a facility controlling upstream drainage area, the Post-Developed Condition must be calculated based on ultimate build-out of the upstream drainage area as determined from current zoning.

#### 3.1.1 Water Quantity Credit Example

A property contains a total impervious surface area of 300,000 sq. ft. A stormwater detention pond on the property receives drainage from all impervious surface areas on the site, and is properly designed for the 2-, 5-, 10-, and 25-year design storm event.

- Gross SFUs = (300,000 sq ft) / (3,830 SFU) = 78.3 SFUs
- Initial Stormwater User Fee = (78.3 SFUs) x (\$3.25/SFU/Month) = \$254.48/month
- 100% of all site impervious area drains to the detention pond
- Credit Amount - 10% Credit for controlling the minimally required design storm events.  
Credited SFUs = 78.3 SFUs x 0.10 = 7.8 SFUs

Adjusted Stormwater User Fee = (78.3 SFUs – 7.8 SFUs) x (\$3.25/SFU/Month) = \$229.13/month

**Example Summary**

Initial Stormwater User Fee \$254.48/Month  
 User Fee Credit Adjustment - \$25.35/Month  
 Final (Adjusted) Stormwater User Fee \$229.13/Month  
 Savings of \$25.35/Month or \$304.20/Year

## 3.2 Stormwater Facility- Water Quality Credit (i.e. LID and Green Infrastructure)

The City of Cleveland recently proposed changes to the Stormwater Management Ordinance to be in compliance with the City's NPDES MS4 permit. The permit requires all urban areas in TN to adopt runoff reduction performance standards to improve water quality. In short, all new and redevelopment will be required to meet the following standard (refer to Ordinance 2004-41 for more information):

*Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters.*

This standard requires the use of low impact development (LID) and/or green infrastructure practices to reduce the amount of runoff leaving your site, with the goal of also reducing the corresponding pollution loads. The Tennessee Department of Environment and Conservation (TDEC) has developed a manual of practice and spreadsheet tool for site designers to use to assist in the calculations required to meet the performance standards. This tool and manual can be found here: <http://www.tnpermanentstormwater.org/>

The City of Cleveland will offer a stormwater fee credit to those properties that meet or exceed the minimum runoff reduction requirements (i.e. 1-inch capture). The amount of the credit will be awarded based on the following table:

**Table 3-2 Stormwater Facility Credit Opportunities (LID/Green Infrastructure Controls)**

Range of Rainfall Capture	Credit Opportunity
Less than 1-inch	0%
1 to 1.25 inches	10%
1.25 to 1.50 inches	15%
Greater than 1.50 inches	20%

The applicant must submit documentation of the BMPs used to meet the capture requirements along with the output report from the TDEC Tennessee Runoff Reduction Assessment Tool (TNRRAT) as verification that one of the performance measures in the table have been met. The credit will only be applied to the impervious area on the site that is treated by the BMPs. The credit for water quality may be additive with other credits listed in this manual, but may not exceed a total maximum credit of 50 percent.

### 3.3 NPDES Industrial Stormwater Permit Credit

Customers holding an active NPDES Industrial Stormwater Multi-Sector permit, on file with Tennessee Department of Environment and Conservation (TDEC), will be eligible for a Credit of 10 percent. The customer will only be eligible for the Credit if the customer is performing activities in full compliance with their NPDES Industrial Multi-Sector permit. Any violations of the NPDES permit, as determined by TDEC, will make the property ineligible for a credit. The NPDES Industrial Permit Credit may also be received in addition to the other credits listed in this manual for a total, maximum credit of up to 50 percent. The Customer must provide all required reporting information with the NPDES Credit Application, on-going Visual Inspection Reports and any notifications of violations to continue to receive the Credit.

### 3.4 Stormwater Education Credit

A stormwater education credit is available to public and private schools, which have appropriate accreditation and develop a lesson plan that is consistent with the educational content deemed appropriate by the U.S. EPA for stormwater education (refer to: <http://www.epa.gov/owow/nps/eduinfo.html>) and is approved by the Development and Engineering Services Department. The credit for stormwater education with an approved curriculum is 20 percent. The Stormwater Education Credit may also be received in addition to the other credits offered in this manual for a total, maximum credit of up to 50 percent.

To qualify for the credit, a public or private school must have a documented enrollment of 50 students or more, and must provide an environmental science curriculum approved by the Development and Engineering Services Director or his/her designee.

Stormwater Education Credits are based on the ratio of students taught in the stormwater curriculum, by teacher(s), to the total number of students enrolled in the school. The credit will go into effect after the material has been taught to at least one classroom and after this application for credit has been submitted to and approved by the Development and Engineering Services Director or his/her designee. Thereafter, provided the material is scheduled to be taught

to all students of a grade level, the credit will remain in effect through the end of the school year up to June 30<sup>th</sup>. The credit will be continued into the upcoming school year if the principal or Superintendent submits a certification that the material will be taught in the upcoming school year. Once use of approved material has begun and credit applied, it will continue to be applied as long as the annual certification is submitted. The certification must be in writing; include total number of students in the school, in what grade level(s) approved material is taught, by how many teachers, and to how many students.

### 3.4.1 Stormwater Education Credit Example

School ABC in Cleveland, TN has 100 students enrolled. One class, of 30 students, is taught the Stormwater Curriculum.

- Ratio of Students Taught = (30 students taught) / (100 students enrolled at ABC) = 0.30 (30% of the students are taught the Stormwater Curriculum)
- Stormwater Education Credit is 20% at any public or private school with 50 enrolled students or more
- Credit achieved by the School = 0.30 X 20% = 6% Credit

#### **Example Summary**

School ABC has a 100 student enrollment  
30 of the 100 students are taught the approved  
Stormwater Curriculum  
Final Stormwater User Fee Credit is 6%

### 3.5 LEED Certification Credit

Properties within the City that have been awarded the LEED® certification (Based on the U.S Green Building Council, Inc. LEED® Certified Development Rules and Regulations) and that have earned certain Sustainable Site credits from the LEED certification process may also qualify for a credit reduction regarding your stormwater charge if the following criteria are met:

- Certification must be within the following categories: New Construction and Major Renovation, LEED for Schools New Construction and Major Renovations, LEED for Retail and LEED for Core & Shell.
- Must receive LEED credit points for Sustainable Sites 6.1 Storm Water Quantity Control AND Sustainable Sites 6.2 Storm Water Quality Control
- Submission of the LEED Certification Notice

A 20% credit can be given for a property that has received LEED certification and meets ALL criteria in the preceding bullets. An additional 5% credit may be awarded to sites for each of the following additional LEED points:

- Sustainable Site Credit 5.1: Site Development: Protect or Restore Habitat

- Sustainable Site Credit 5.2: Site Development: Maximize Open Space

A customer that achieves all available LEED credits highlighted in this section may receive a maximum credit of 30 percent. This credit may be applied in addition to any other credits in the manual for a total maximum site credit of 50 percent.

### 3.6 Permanent Stream Buffers

A non-residential customer may receive a stormwater fee credit for establishing and/or maintaining permanent stream buffers in accordance with the City's Stormwater Management Ordinance. A 10% fee credit is available for non-residential properties that meet the following requirements:

- Stream buffers meet the minimum buffer width requirements as established in the City Ordinance at the time of site plan approval
- The minimum stream buffer width must be met throughout the entire length of the project (i.e. no stream buffer width averaging may be used).
- The stream buffers are in general compliance with the guidelines established in the State's Urban Riparian Buffer Handbook (<https://www.tn.gov/assets/entities/agriculture/attachments/UrbanRiparianBufferHandbook.pdf>)

Non-residential sites with stream buffers that exceed the minimum required buffer widths may be eligible for fee credits up to a maximum of 20%. The additional credit will be awarded based on a ratio of the actual width to the minimum required width. The permanent stream buffer credit may be applied in addition to other credits in this manual, but the total site credit may not exceed a maximum of 50 percent. The fee credit for Permanent Stream Buffers will only apply to those impervious areas that drain towards the buffer. Areas draining away from the buffers or to areas of the stream without a buffer will not receive credits.

#### 3.6.1 Permanent Stream Buffer Credit Example

A non-residential development has established permanent stream buffers throughout the site with a width of 75-feet. The minimum required buffer width for the site is 60-feet. All site impervious area drains to the buffered stream.

- Ratio of Actual Width to Min. Required Width = (75-ft Actual Width) / (60-ft Min. Required Width) = 1.25 (i.e. the actual buffer width exceeds the required buffer width by 25%)
- The minimum credit for permanent stream buffers is 10%
- Credit achieved by the property = 1.25 X 10% = 12.5% Credit

### 3.7 Single Family Residential Lot Credit

Individual, single family lot owners that implement certain stormwater best management practices (BMPs) to reduce the stormwater rate or volume flowing from their properties to the storm system or surrounding bodies of water, can qualify to receive a reduction in their

stormwater fee. If approved, each practice defined below will earn the single family residential property owner a credit of 25 percent of the stormwater utility fee, up to a maximum credit of 50 percent of the fee. The following two practices are eligible for credit:

### 3.7.1 Rain Gardens

A rain garden is a landscaped area in a depression designed to capture and filter stormwater runoff from an impervious surface. Installation of a rain garden is eligible for a 25 percent credit on your fee.

#### Minimum Design Requirements

At least 50% of a property's impervious surface area must drain to the rain garden. The rain garden must be designed according to guidelines in the linked TDEC manual: <http://www.tnpermanentstormwater.org/>. Rain gardens are covered in Section 5.4.6 of the TDEC Manual under Bioretention and are referred to as "Micro-Bioretention."

### 3.7.2 Rainwater Harvesting

Temporary storage of stormwater runoff using rain barrels and/or cisterns can reduce peak runoff volumes while also providing alternative water supply for non-potable uses on your property, such as lawn watering, etc. Installation of a rainwater harvesting system meeting the minimum guidance below is eligible for a 25 percent credit on your fee.

#### Minimum Design Requirements

At least 50% of a property's roof area must drain to a rain barrel or other storage device. Additional sizing criteria for storage can be found in Section 5.4.10 in the TDEC manual linked above. Overflows from storage must be directed to appropriate outlets or areas and away from neighboring properties, sidewalks, steep slopes or retaining walls.

## 3.8 Eligibility for Credits

In order to be eligible for a Credit, the Customer will be responsible for providing the City with justification for meeting one of the Fee Credit options described above. Customers must meet all requirements detailed in Section 3, et seq., and may apply the credit only to Developed Lands containing the credited Stormwater Facility or non-structural control. For developments with credited stormwater facilities in common areas such as a townhouse development, cluster unit developments, or condominiums, each dwelling unit or condominium unit shall be eligible for its equal pro-rata share of the credit unless other arrangements for billing the Fee are made pursuant to the Stormwater Utility Ordinance. Customers may file an application for credit prior to final construction of a Stormwater Facility. If approved, the credit will be held until the Certificate of Occupancy for the site is granted. In this circumstance, Credits will not be awarded retroactively but will appear on the next utility bill after the Certificate of Occupancy is received and/or confirmation is received that the Stormwater Facility is fully operational.

### 3.8.1 Customers

Section 18-412 of 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. Customers may include the owner, occupant, or tenant of property. A customer may also be a person or entity who has requested in writing to receive a bill for Stormwater Services for a property. Any Customer receiving a bill for Stormwater Services is eligible to receive a Credit if they meet requirements for a particular Credit specified in Section 3, et seq.

### **3.8.2 Maintenance Agreement**

An Owner of Stormwater Facilities must agree in writing to maintain the credited Stormwater Facility to City Standards (as required in the City's Stormwater Management Ordinance – Title 18, Chapter 3 of the City Code) and all other applicable standards (ex. Tennessee State Dam Safety standards) in order to be eligible for Credit. Failure to maintain a Facility in strict compliance to City Standards will result in the loss of the Credit and possible surcharge to recapture improper credits. The owner of a credited Stormwater Facility is responsible for notifying the City if the facility is compromised or damaged in any way or is no longer complying with State law or City Standards. The owner of a credited Stormwater Facility must also notify the City if any repair work is performed that may alter the operation of the Facility.

### **3.8.3 Right of Entry**

In order to be eligible for a Stormwater Facility Credit, an owner of a credited Stormwater Facility must first agree in writing that appropriate City staff have permission to inspect Stormwater Facilities on the owner's property at any time. Inspection procedures are detailed in Section 3.10. Failure to permit City inspection shall terminate the Credit.

### **3.8.4 Stormwater Facility Upgrades**

Recognizing that the City's stormwater requirements have evolved over the past three decades, the City will not require current recipients of a Credit to upgrade their facilities immediately to conform to future changes in the Stormwater Credit Policy Manual. However, once the Credit Policy is changed, the City will only guarantee existing credits for a period of five years after the change provided the Customer maintains the Facility to City Standards and the Facility otherwise complies with State law. In the event that a Facility has not been upgraded to the new standard at the end of the five-year period, the Credit will be terminated.

## **3.9 Stormwater Facility Maintenance**

In order to receive a Credit, a Stormwater Facility must be privately maintained in strict compliance to City Standards and Tennessee Dam safety standards where applicable to ensure that the Facility functions as credited at all times. Furthermore, Customers must document all operation and maintenance activities and provide the City with this information, if requested. A summary of the maintenance requirements can be found in the Stormwater Management Ordinance as well as the State's BMP manual of practice

<http://www.tnpermanentstormwater.org/>.

## **3.10 Enforcement**

Inspections and annual documentation are the primary methods employed to monitor Credits. For structural stormwater controls, failure to maintain and operate the Stormwater Facility in compliance with City Standards will result in the loss of the credit and possible surcharge to

recapture improper credits. All credited Stormwater Facilities are subject to nuisance ordinances of the City as well. For non-structural controls, annual documentation of on-going, credited activities will be required to maintain the Credit. The following sections summarize the enforcement procedures.

### 3.10.1 Structural Stormwater Facility (Quantity and Quality) Inspections

The City reserves the right to inspect Stormwater Facilities receiving a Credit at any time. If the field inspection proves that the Facility is not being maintained per City standards, or if the Facility is not operating as credited, the Credit may be forfeited. The City and Customer will agree to an appropriate amount of time to bring the facility back into compliance. If this compliance is not achieved within the allotted time, 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 Facility was out of compliance.

At a minimum, inspections will be performed annually by the City to assure that a Facility is operating as credited (no blockage due to excessive silt, logs, or debris). Additional inspections of problematic areas following large storm events (two inches of rainfall or more over a 24-hour period) may be required. Further information concerning City inspections may be found in the Stormwater Management Ordinance and the City's Stormwater Facility Maintenance Agreement.

### 3.10.2 Annual Documentation for Non-Structural Controls

Annual 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 for a non-structural stormwater control, such as the NPDES Industrial Permit, Education and Stream Buffer Credit. No additional documentation is required for the LEED certification. The required documentation consists of the following:

- For NPDES Industrial Permit holders, the Customer must submit a copy of the annual report submitted to TDEC. The submittal must also include copies of associated visual inspection reports and notification of any Notices of Violation related to the permit.
- For the Education Credit, the Customer must provide annual documentation of the on-going education efforts, including the number of students enrolled, the number of students receiving the approved curriculum, notification of any changes to the curriculum, and a commitment letter from school officials that the curriculum will be provided for the upcoming year.
- For the Stream Buffer Credit, the Customer must provide photo documentation of the condition and extent of the buffer, to be compared by staff to previous years' documentation and/or inspection records. Any changes to the appearance of the buffer may prompt a measurement by City staff to verify the width.

## 3.11 Applying for a New Stormwater Facility Credit

The following sections present the typical Credit application process for a Customer that wishes to construct a new Stormwater Facility. The steps described in Section 3.11.1 are recommended

to expedite the application process. Steps described in Sections 3.11.2 through 3.11.4 are required to be eligible for any Credit.

### **3.11.1 Preliminary Interaction with the City**

Since the calculations and hydrologic analyses involved in the design of a Stormwater Facility are complex, a professional engineer registered in the State of Tennessee must seal the design of a new Stormwater Facility intended for peak flow control. For LID and green infrastructure practices to achieve a Water Quality credit, the Customer may use a registered landscape architect. Therefore, it is highly recommended that the applicant interact with City Development and Engineering Services staff first before an applicant hires an engineer or landscape architect to perform these services.

City Development and Engineering Services staff will assist the Customer in evaluating how a property will fit into the drainage scheme of the City, allowing them to provide valuable insight to one designing a Facility. For example, the City staff might be able to tell a Customer what upstream drainage area a Stormwater Facility might control. This knowledge and the guidelines in Sections 3.1 through 3.3 allow one to determine the level of Credit for which they may be eligible. The City determines the final amount of Credit based on the policies of this manual.

### **3.11.2 Perform Hydrologic Analysis and Design Facility**

If a Customer decides to install a new Stormwater Facility for which a Credit will be requested, a professional engineer or landscape architect licensed in the State of Tennessee must be hired to perform a hydrologic/hydraulic analysis and/or design a Stormwater Facility that will achieve the level of Credit desired by the Customer. Customers seeking Credit for an Existing Facility should refer to Section 3.12.

### **3.11.3 Complete Application**

Once a technical analysis has been completed, the Customer should fill out Stormwater Management Utility Form No. 2 in Appendix A. This application along with a report completed by the appropriate engineer or landscape architect 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 following 90 days or less from when the Stormwater Facility was fully constructed and approved by the City.

### **3.11.4 Construction of a New Stormwater Facility**

If an application is successful, the Customer must construct the new Stormwater Quantity, LID or Green Infrastructure Facility before the Credit takes effect. The Customer must also provide an “as-built” certification to the City which must be sealed by an engineer licensed in the State of Tennessee (or landscape architect for LID if appropriate) for all new structures for which a Credit is requested.

### **3.11.5 Inspection of a New or Existing Stormwater Facility**

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

### 3.12 Applying for Credits for Existing Facilities

Credit application procedures for Existing Stormwater Facilities are similar to those detailed in Section 3.11 for New Stormwater Facilities. However, Customers requesting credit for an Existing Stormwater Facility will not be required to prepare a new engineering evaluation. In order to be eligible for the Credit, the Customer must provide as-built documentation stamped by a licensed engineer in the State of Tennessee and supporting information of the original design, including information pertaining to the level of peak runoff control and/or stormwater volume capture. The Existing Stormwater Facility will be subject to an inspection by the City to ensure that the Facility has been maintained appropriately and continues to operate as originally designed. The application in Appendix A must be submitted along with the appropriate design/engineering documentation.

### 3.13 Applying for Credits for NPDES Industrial Stormwater Permit Holders

Since the requirements for NPDES Industrial Stormwater Permit Holder may be unique to individual properties, all applicants are required to request a meeting with the City's stormwater staff to discuss the activities performed by the applicant. The applicant must also provide a copy of the NPDES permit, the Stormwater Pollution Prevention Plan (if required), monitoring data (if required), verification of permit compliance and any other relevant information. City staff will jointly review the materials with the Customer to determine the appropriate credit under this category.

### 3.14 Applying for Credits for Stormwater Education

The Stormwater Education Credit will be approved on an annual basis for education activities that were performed in the previous school year. Credit received for the prior year's educational activities will be shown on the monthly utility bill over a twelve-month period, starting on the September bill following the school year during which the activities were performed.

The Stormwater Education Credit requires submittal of both an application and an annual report to the Development and Engineering Services Director or designee. The application need only be completed once, and requires a description of the educational program, list of educational tools used, estimated number of students that will/have receive the education, and the length of the educational program. Submittal of the application is necessary to indicate to the applicant that the proposed curriculum meets the criteria stated in item 3.4 above, and that a Credit will be received pending approval of an annual report to follow.

### 3.15 Applying for Credits for LEED Certification

The LEED Certification Credit requires submittal of an application and all relevant certifications from the U.S. Green Building Council to validate compliance with the requirements stated in Section 3.5 above.

### 3.16 Applying for Credits for Stream Buffers

The Stream Buffer Credit requires submittal of an application and documentation of the width/extent of the buffer. The City will perform an inspection to verify the information provided.

### 3.17 Applying for Credits for Single Family Residential Lots

The Single Family Residential Lot credit requires submittal of an application and design calculations consistent with the design guidelines stated in the referenced TDEC Manual. In addition, photo documentation of the rain garden or rainwater harvesting system must be submitted. Applicants for single family lots are not required to provide stamped calculations performed by a professional engineer.

### 3.18 Credit Renewal

Credits granted to a Customer for any of the eligible credit programs are in effect for one-year. For Customers receiving a credit for a structural stormwater control facility (including LID and green infrastructure), the City will perform annual inspections to determine if the Facility is being maintained in compliance with the Credit policy. For Customers receiving a credit for the NPDES Industrial Permit, Education programs or Stream Buffers, the Customer must renew their application annually. Documentation as discussed in each corresponding section above must be submitted along with the credit application in Appendix A. If the annual documentation or inspection proves the applicant was 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. No renewal process is required for the LEED certification credit.

### 3.19 Implementation of the Credit

Depending on when an application for a Credit is submitted, whether a Stormwater Facility is new or existing and/or when a new Stormwater Facility 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 90 days to process. Successful applications will receive Credits as detailed below.

#### 3.19.1 Credit Applications for New Stormwater Facilities

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

#### 3.19.2 Credit Applications for Existing Stormwater Facilities

Customers submitting Credit Applications for an Existing Stormwater Facility may be eligible to receive Credit retroactive to Fee inception or up to one prior year from approval of the application, whichever is shorter. Credit will not be awarded for applications for an Existing Stormwater Facility for any time period preceding Fee inception or for any time period preceding the date at which the Stormwater Facility was fully constructed and approved by the City. However, Customers must be able to prove the Existing Stormwater Facility complies with City Standards and has satisfied relevant Credit requirements detailed in Sections 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.

### **3.19.3 Credit Applications for NPDES Industrial Stormwater Permit Holders**

Existing permit holders must provide proof of compliance for one-year prior to application of the credit. New NPDES permit holders may apply for the credit at any time, but the credit will not be awarded until the applicant has completed one-year of the permit and shows documentation of full permit compliance.

### **3.19.4 Credit Applications for Stormwater Education**

Similar to NPDES permit holders, applications requesting Credit for an existing stormwater education program must provide proof of service for a minimum of one-year prior to the Credit request. Applicants for Credit related to new stormwater education programs will not receive Credit until a minimum of one-year of the education program has been completed and documented.

### **3.19.5 Credit Applications for LEED Certifications**

Customers submitting Credit Applications for LEED certified buildings may be eligible to receive Credit retroactive to Fee inception or up to one prior year from approval of the application, whichever is shorter. Credit will not be awarded for applications for an Existing Stormwater Facility for any time period preceding Fee inception or for any time period preceding the date at which the LEED certification was received. For new LEED certified buildings, the Credit will apply when the Certificate of Occupancy is received or when the LEED certification is received, whichever is later.

### **3.19.6 Credit Applications for Permanent Stream Buffers**

Credits for Stream Buffers will not be applied retroactively. Stream Buffer credits will only apply from the date of approval by the City.

### **3.19.7 Credit Applications for Single Family Residential Lots**

Credits for Single Family Residential Lots will not be applied retroactively. Single Family Lot credits will only apply from the date of approval by the City.



# Appendix A

## Stormwater Fee Credit Application Forms

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**Stormwater Utility Form No. 1**  
**City of Cleveland, Tennessee**  
**Development and Engineering Services Department**  
185 2nd St NE, Cleveland, TN 37311  
Telephone: (423) 479-1913 Fax: (423) 559-3373

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**Stormwater Fee Appeal for Adjustment Application**

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**Section A.**  
**APPLICANT INFORMATION**

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**Property Owner:** \_\_\_\_\_

**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):** \_\_\_\_\_

**Cleveland Utilities Billing Account Number:** \_\_\_\_\_

**Parcel Identification Number (if known):** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

\_\_\_\_\_

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**Section D.**  
**DETAILS OF THE APPEAL FOR ADJUSTMENT**

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

PLEASE CHECK THE BOX NEXT TO THE TYPE OF ADJUSTMENT:

Impervious Area Measurement and/or Tier Adjustment

Minimum Impervious Area Adjustment (less than 500 square feet)

Property Classification Adjustment

Additional Stormwater Fee Adjustments (ex. Property Fee Exemptions)

**Currently Billed Impervious Area:** \_\_\_\_\_ **square feet or Tier Placement** \_\_\_\_\_

**Proposed Impervious Area:** \_\_\_\_\_ **square feet or Tier Placement** \_\_\_\_\_

*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 Owner.*

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**Section D. (continued)**

**Description of Reason for Adjustment**

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**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 Cleveland Utilities Bill
- 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 licensed in the State of Tennessee where applicable
- Current map outlining the property and disputed impervious areas, where applicable
- Correct parcel identification number (if known)

---

**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 grant the City of Cleveland access to the property referenced in this document to confirm any of the information stated in this application to determine my adjustment.

---

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_  
(for multiple owners, representative responsible for management shall sign)





**Initial Application for Stormwater Utility Fee Credit**

**Section A.**

**APPLICANT INFORMATION**

Property Owner: \_\_\_\_\_

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): \_\_\_\_\_

Cleveland Utilities Billing Account Number: \_\_\_\_\_

Parcel Identification Number (if known): \_\_\_\_\_

Property Address: \_\_\_\_\_

**Section D.**

**STORMWATER QUANTITY CREDIT INFORMATION**

Drainage Area Controlled (acres)		Design Storms Controlled for Drainage Area Indicated to the Left (Circle YES or NO)		Eligible Credit (%)
Onsite Drainage Area (acres)		2-, 5-, 10-, & 25-yr Design Storms	YES or NO	10% if YES
% of Impervious Area Treated		2-, 5-, 10-, 25-, & 100-yr Design Storms	YES or NO	15% if YES

Bonus 5% credit if upstream (off-site) area greater than 1-acre controlled

Bonus Credit:

Refer to Table 3-1 in Section 3 to calculate allowable credit.

Total Requested Credit:

**Section E.**

**STORMWATER QUALITY CREDIT INFORMATION**

Drainage Area Controlled (acres)		Range of Rainfall Captured (Circle YES or NO)		Requested Credit (percent)
Onsite Drainage Area (acres)		Less than 1-inch	YES or NO	0%
		1 to 1.25 inches	YES or NO	10%
% of Impervious Area Treated		1.25 to 1.50 inches	YES or NO	15%
		Greater than 1.50 inches	YES or NO	20%

Refer to Table 3-2 in Section 3 to calculate allowable credit.

Total Requested Credit:

---

**Section F.****NPDES INDUSTRIAL STORMWATER PERMIT INFORMATION AND ELIGIBILITY**

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

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

If you answered YES to the previous question, please list briefly the activities performed by your program.  
Attach additional information required to review and evaluate your program as necessary.

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**Section G.****EDUCATION PROGRAM INFORMATION AND ELIGIBILITY**

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School: \_\_\_\_\_

Documented Enrollment: \_\_\_\_\_

No. of Students Taught Stormwater Education Materials: \_\_\_\_\_

Ratio of Students Taught to Enrollment: \_\_\_\_\_

Description of Education Materials (attach additional sheets if necessary):

Refer to Section 3.4 to calculate allowable credit.

Total Requested Credit:

---

**Section H.****LEED Certification**

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LEED Certified facilities are eligible for fee credits if the following criteria are met. Please check the box for each and provide all supporting information as an attachment to this Credit Application

<input type="checkbox"/>		<b>Credit</b>
<input type="checkbox"/>	Certification has been received for: LEED for New Construction, Schools, Retail and/or Core & Shell	
<input type="checkbox"/>	LEED Credit Points in Sustainable Sites 6.1 Storm Water Quantity Control	Combined 20%
<input type="checkbox"/>	LEED Credit Points in Sustainable Sites 6.2 Storm Water Quality Control	
<input type="checkbox"/>	LEED Credit Points in Sustainable Site Credit 5.1 Site Development: Protect and Restore Habitat	5%
<input type="checkbox"/>	LEED Credit Points in Sustainable Site Credit 5.2 Site Development: Maximize Open Space	5%

Total Requested Credit:

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**Section I.****Permanent Stream Buffer Credit Information and Eligibility**

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Do you have Permanent Stream Buffers onsite that meet the guidelines established in the State's Urban Riparian Buffer Handbook (linked)? (YES or NO)

<https://www.tn.gov/assets/entities/agriculture/attachments/UrbanRiparianBufferHandbook.pdf>

If YES, please complete the boxes below and provide photographs and field measurements of buffer widths

Minimum Buffer Width Required At Site Plan Approval:

Minimum Buffer Width Maintained Throughout the Site:

Ratio of Site Minimum Buffer Width to Required Width:

Percentage of On-Site Impervious Area Draining to Buffer:

Refer to Section 3.6 to calculate.

Total Requested Credit:



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**Section M.**  
**SIGNATURE(S)**

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the owners of the property.

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

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**CUSTOMER'S SIGNATURE(S) - If not owner. If multiple customers, all must sign.**

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

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**PRINT CUSTOMER NAME(S), ADDRESS(ES), PHONE NUMBER(S) if not owner:**

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**Section N.**  
**OFFICE USE ONLY**

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Received by the City of Cleveland, Tennessee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Application reviewed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Application reviewed by: \_\_\_\_\_

Credit amount awarded to customer/owner: **Water Quantity Credit (%)**: \_\_\_\_\_

**Water Quality Credit Credit (%)**: \_\_\_\_\_

**NPDES Permit Credit (%)**: \_\_\_\_\_

**Stormwater Education Credit (%)**: \_\_\_\_\_

**LEED Certification Credit (%)**: \_\_\_\_\_

**Permanent Stream Buffer Credit (%)**: \_\_\_\_\_

**Single Family Residential Lot Credit (%)**: \_\_\_\_\_

**TOTAL STORMWATER FEE CREDIT (MAX 50%):** \_\_\_\_\_

