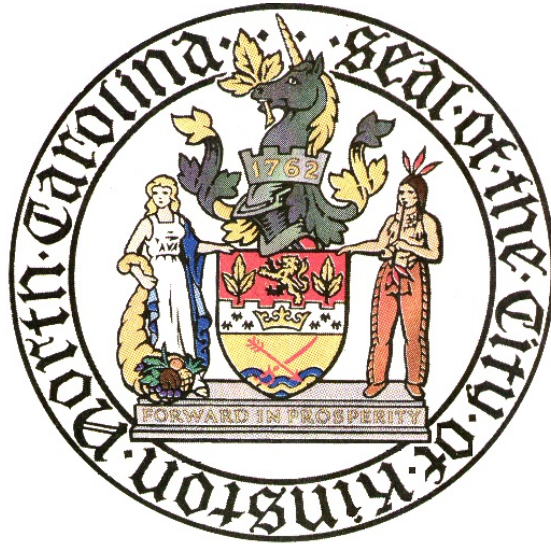


City of Kinston



Stormwater Utility Credit Manual

Effective Date: July 1, 2008

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1.0 INTRODUCTION

The City of Kinston established a stormwater utility in July, 2007, to provide a stable and adequate revenue source for the City of Kinston's stormwater management program. The intent of the stormwater utility fee is that all "users", being those who receive benefits from the management of stormwater, pay a portion of the cost of the program relative to the amount of benefit they receive from the program and relative to the impact their property location has on the stormwater system. As the proper management of stormwater in the city will reduce flooding on public streets, will reduce harmful pollutants entering our streams and rivers and reduce the negative impacts of these problems on our local economy, including tourism, recreation, economic development, residential growth, and the general conception of Kinston as an attractive place to live, visit and do business, all local properties receive benefits of some degree.

All developed properties also have varying affects on the stormwater drainage system. Some of this impact is due to the location of the discharge of stormwater runoff from the property. Some of this impact is due to the volume and quality of runoff generated by each property. Regardless of the location of their discharge, any property can certainly have an impact on neighboring properties, private or public streets and the streams and rivers downstream of their property and as a government entity, it is part of our responsibility to mitigate these impacts.

Effective January 1, 2009, the City of Kinston will change the billing of the stormwater utility fee for non-single family properties from a flat fee to one based on the impervious area on the property to more accurately reflect the impact runoff from these properties can have on stormwater management provided by the City. It is recognized that due to a property's location or actions taken by the property owner or tenant, the impact of runoff from a particular property may be controlled.

The City of Kinston has developed this Stormwater Utility Credit Manual for non-single family residential customers to receive credits towards their stormwater utility bill for taking specific actions to reduce the impact of stormwater runoff from their location. This manual explains the requirements and procedures for a customer to qualify for credits in any of the following situations:

- Stormwater discharges that do not flow through a city-maintained stormwater system (streets, pipes, best management practices (bmps), ditches, etc.).
- On-site stormwater structural BMPs constructed to control runoff volume and/or improve runoff quality.
- Active management of on-site stormwater systems through state-issued NPDES permits or approved stormwater management plans.

2.0 DEFINITIONS

Best Management Practice (BMP) - Activities, practices or procedures intended to control or improve stormwater quality. **Structural BMPs** are physical, engineered devices designed to treat and/or detain stormwater runoff. **Non-structural BMPs** are practices or procedures used to prevent the polluting of stormwater runoff and to maintain stormwater drainage systems.

Credit - A recurring reduction in a stormwater utility fee based on the relative impact of runoff and development at a particular property on the City of Kinston stormwater management program.

Equivalent Residential Unit (ERU) - A billing unit used to determine the stormwater utility fee charged to non-single family residential customers. One ERU is equivalent to the average impervious area found on a single family residential property. By measuring a representative of residential properties, it has been determined that the average residential property has a total impervious area of 3,059 square feet. Therefore, 1 ERU = 3,059 square feet of impervious area. The stormwater utility fee for any non-single family residential property will be determined by dividing the total impervious area on the property by 3,059 square feet, rounding up to the next whole number, and multiplying by the stormwater utility fee charge in effect for the current billing period.

Impervious Area - Any fixed surface that prevents the natural infiltration of stormwater into the soil. Impervious surfaces include buildings, asphalt, concrete, solid wood, compacted gravel, etc.

On-Site Stormwater Drainage System - A network of swales, ditches, pipes and/or bmps maintained by the property owner that conveys at least 75% of a property's stormwater drainage.

3.0 GENERAL CREDIT POLICIES

Only those properties paying a stormwater utility fee based on their actual impervious area are eligible to apply for credits under this policy.

An eligible property may apply for credits under one or more sections of this policy.

It is the property owner's responsibility to apply for a stormwater credit.

Credit applications will be available online or at the City of Kinston Public Services Department offices, located at 2360 Highway 258 South. Questions regarding the application or policy should be directed to the City of Kinston Water Resources Manager

at (252) 939-3312.

Only fully complete applications will be reviewed. A complete application includes a signed application form, plus all additional information and documents required for the type of credit being requested.

The City will review and either approve or disapprove each application within 30 days of receipt. If approved, the appropriate credit will begin with the next full billing period for that property after the date of approval. In no circumstances will credits be given for bills issued before the date of the credit application approval.

Credits will be in effect as long the requirements for the credit are being met by the customer. Should the customer fail to meet all of the requirements at any time while receiving a credit, the credit will be cancelled and the customer will be billed their full stormwater utility fee. To be eligible to reinstate the credit, the customer would be required submit a new stormwater credit application.

No credit shall result in a stormwater utility bill for less than one ERU.

Properties on which the property owner has requested the stormwater utility fee be divided over individual tenant spaces will not be eligible for BMP or Stormwater Management credits, except for any portion of the stormwater utility fee that the property owner is still paying.

4.0 STORMWATER BMP CREDIT POLICY

4.1 - Stormwater BMP Credit Amounts

These credits are available to qualified properties who use structural best management practices to provide detention, retention and/or treatment of stormwater runoff. The amount of the credit will be based on the size storm the bmp is designed for and the percentage of the on-site drainage that is received by the bmp.

Maximum credit by storm size:

2 year storm:	20% credit
10 year storm:	25% credit
25 year storm:	30% credit
50 year storm:	35% credit
100 year storm:	40% credit

Bmps that provide water quality benefits, but no detention, will be eligible for a maximum credit of 20%. If bmps are installed in series (runoff flows from one bmp to the next one), the maximum credit will be determined by the peak flow leaving the bmp

furthest downstream.

4.2 - Stormwater BMP Credit Requirements

The bmp must be located on the property requesting the credit and must be maintained by that property owner. Properties draining to offsite bmps or to any bmps maintained by the City will not receive any credit for those bmps.

Bmps must be built to the specifications found in the North Carolina BMP Manual, current edition. Bmps built after the effective date of this manual must be built to the specifications in effect at the time of construction or at the time of submittal of the credit application, whichever is more restrictive.

The following information must be submitted to be considered for a Stormwater Utility BMP Credit:

- 1) A completed Stormwater Utility Credit Application.
- 2) A completed City of Kinston Stormwater Permit.
- 3) Design plans and calculations, including the following:
 - site plan showing elevations, contours, impervious areas, bmp locations, existing and proposed easements and access, riparian buffers and any other related stormwater information
 - bmp dimensions
 - % of site draining to bmp
 - design storm size
 - detention calculations
 - pollutant removal rating
- 4) A BMP Maintenance Plan (see the City of Kinston Stormwater Program for Nitrogen Control and the North Carolina Stormwater Best Management Practices Manual).
- 5) Recorded easements for any public drainageways, which shall include the width of the drainageway, plus a minimum of 15' from the top of bank measured perpendicular to the centerline of the channel.

The Stormwater Utility Credit Application can be found in Appendix A. The Stormwater Permit can be found in Appendix B.

5.0 STORMWATER MANAGEMENT CREDIT POLICY

Some properties may have an on-site stormwater collection system which the property owner or occupant maintains. Certain industrial sites are also required to hold a National

Pollutant Discharge Elimination System (NPDES) Stormwater Permit, which has strict requirements for monitoring, maintaining and operating their drainage system. Because management of an on-site system that discharges into a city-maintained system can reduce costs to manage and maintain the city's system or could reduce negative impacts of the property's discharge to other streams and systems downstream, a credit is available for such practices.

5.1 - Stormwater Management Credit Amounts

Any property approved for a Stormwater Management Credit will receive a credit of 25% toward their monthly stormwater utility fee.

The Stormwater Utility Credit Application can be found in Appendix A.

5.2 - Stormwater Management Credit Requirements (NPDES Permitted Property)

Any property required to have a National Pollutant Discharge Elimination System Stormwater Permit by the State of North Carolina is eligible to request a credit. To be approved for a Stormwater Management Credit, the property must submit the following:

- 1) Either a copy of their Certificate of Coverage if covered by a General NPDES permit, or a copy of their complete permit if covered by an Individual NPDES permit.
- 2) The Stormwater Pollution Prevention Plan required by their permit.
- 3) A completed Stormwater Utility Credit Application.
- 4) A site plan showing the stormwater drainage system being maintained, easements for any public drainageways on the property and riparian buffer areas for any state-recognized streams.
- 5) Recorded easements for any public drainageways, which shall include the width of the drainageway, plus a minimum of 15' from the top of bank measured perpendicular to the centerline of the channel.
- 6) Annually, by January 31 each year after the approval of this credit, the property owner must submit a report summarizing the activities that occurred during the previous calendar year that affected their stormwater system and shows compliance with their Stormwater Pollution Prevention Plan.

5.3 - Stormwater Management Credit Requirements (Non-NPDES Permitted Property)

A property not required to have a National Pollutant Discharge Elimination System permit by the State of North Carolina, but which does manage an On-Site Stormwater Drainage System, may be eligible to request a credit. The property owner must be managing an On-Site Stormwater Drainage System as defined in the beginning of this manual. To be approved for a Stormwater Management Credit, the property must submit the following:

- 1) A completed Stormwater Utility Credit Application.
- 2) A Stormwater Pollution Prevention Plan meeting NPDES requirements.
- 3) A site plan showing the stormwater drainage system being maintained, easements for any public drainageways on the property and riparian buffer areas for any state-recognized streams.
- 4) Recorded easements for any public drainageways on the property, which shall include the width of the drainageways, plus a minimum of 15' from the top of bank measured perpendicular to the centerline of the channel.
- 5) Annually, by January 31 each year after the approval of this credit, the property owner must submit a report summarizing the activities that occurred during the previous calendar year that affected their stormwater system and shows compliance with their Stormwater Pollution Prevention Plan.

6.0 NON-DISCHARGE STORMWATER CREDIT POLICY

Some properties, due to their location and topography may discharge stormwater runoff that never flows through a City-maintained stormwater system. Since these properties do not impact the maintenance cost incurred by the City, they also are eligible for a credit toward their stormwater utility fee.

6.1 - Non-Discharge Stormwater Credit Amounts

Any property approved for a Non-Discharge Stormwater Credit will receive a credit of 65% toward their monthly stormwater utility fee.

A property approved to receive a Non-Discharge Stormwater Credit may also be eligible for a Stormwater BMP Credit and/or a Stormwater Management Credit, provided it meets the requirements for either of these credits.

The Stormwater Utility Credit Application can be found in Appendix A.

6.2 - Non-Discharge Stormwater Credit Requirements

To be approved for a Non-Discharge Credit, the property owner must submit the following information:

- 1) A completed Stormwater Utility Credit Application.
- 2) A geographic map showing the property location and stormwater runoff discharge locations, and the protection of any riparian buffers for natural streams located on the property.

If any drainage from a property flows through any drainage feature maintained by the City of Kinston at any point downstream from the property, the property will not be eligible for this credit.

7.0 RIGHT OF ENTRY

The City of Kinston shall have the right to enter upon any property to inspect stormwater drainage systems for compliance with the conditions of any permits or credits being received.

8.0 CHANGE OF OWNERSHIP

In the event a property is sold which is receiving a stormwater utility credit, the new property owner must complete all the appropriate applications and documents requiring owner signatures for the credit(s) being received within 30 days of the transfer of ownership. Failure to do so will be considered a violation of the credit terms.

9.0 VIOLATIONS OF CREDIT TERMS

If the City of Kinston determines that any conditions exist on a property receiving a stormwater credit that do not meet the conditions of the credit being received, the following action will be taken:

- 1) The property owner will be notified in writing of the violation and given 30 days to remedy the situation and demonstrate compliance with the conditions of the credit.
- 2) If the violation is not corrected within 30 days, the credit will be revoked. Reinstatement of the credit will require resubmittal of a full credit application.
- 3) If a property is receiving multiple credits, only those credits affected by the violation will be revoked. Other credits whose conditions are still being met will remain in effect.

10.0 APPEALS

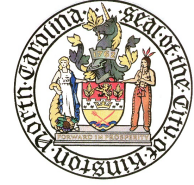
If a property owner is not satisfied with any decision made regarding the approval of a credit or actions taken as a result of a violation, the property owner may appeal the decision by submitting a written appeal with the Public Services Director of the City of Kinston. The Public Services Director may require the property owner to present their appeal to the Utility Advisory Commission before making a final decision. A final decision will be made within 90 days of receiving the appeal.

APPENDIX A

STORMWATER UTILITY CREDIT APPLICATION



City of Kinston Stormwater Utility Credit Application



APPLICANT INFORMATION

Business/Property Owner:			
Contact Person:			
Mailing Address:			
Telephone:		FAX:	

PROPERTY INFORMATION

Property Name:	
Billing Premise Number:	
Tax Parcel Number:	
Street Address:	

Type of Credit being applied for (check all that apply):

BMP Credit Stormwater Management Credit Non-Discharge Credit

OWNER CERTIFICATIONS:

Please initial each of the following statements certifying that you have read and understand each one:

- _____ I hereby certify that I will notify the City of Kinston should any changes occur on the property that would prohibit meeting the conditions of any of the credits being received.
- _____ I hereby certify that I will manage the property, including any stormwater structures and drainage systems, in accordance with the conditions of the City of Kinston Stormwater Utility Credit Manual.
- _____ I hereby certify that I am the financially responsible person or the officer, director, partner or registered agent with authority to execute instruments for the financially responsible person.
- _____ I hereby grant the City of Kinston access to the property referenced in this document to inspect the property for compliance with the conditions of any credits being received from this application.

Name (Please Print) Title

Signature Date

APPLICATION CHECKLIST:

Stormwater BMP Credit

- _____ Stormwater Credit Application
- _____ City of Kinston Stormwater Permit
- _____ Design Plans, including the following information:
 - _____ site plan with scale, compass, contours, impervious areas, easements, riparian buffers, stormwater structures, stormwater system, drainage areas, property lines, discharge points from property, and other related stormwater information
 - _____ detail plans, including bmp designs, construction details, seeding schedule, construction schedule, etc.
- _____ Stormwater calculations, including drainage areas for each bmp, design storm size, detention and pollutant removals for each bmp, impervious area size, etc.
- _____ BMP Maintenance Plans
- _____ Easements for public drainageways

Stormwater Management Credit

- _____ Stormwater Utility Credit Application
- _____ Certificate of Coverage (if covered by General NPDES permit)
- _____ NPDES permit (if covered by individual NPDES permit)
- _____ Stormwater Pollution Prevention Plan
- _____ Site plan, showing stormwater system being managed, easements for public drainageways, and riparian buffers.
- _____ Recorded easements for public drainageways

Non-Discharge Stormwater Credit

- _____ Stormwater Utility Credit Application
- _____ Geographic map showing property location, stormwater runoff discharge points and riparian buffers for natural streams on the property.

DO NOT WRITE BELOW THIS LINE - CITY USE ONLY

Credit Approvals:

Total Impervious Area (sf) =		ERUs =	
Stormwater BMP Credit Approved?		Amount (%) =	
Stormwater Management Credit Approved?		Amount (%) =	
Non-Discharge Credit Approved?		Amount (%) =	
Total Credit Amount (%) =			
Adjusted Bill Amount (ERUs) =			

Justification for Disapprovals/Comments:

APPENDIX B

STORMWATER PERMIT

City of Kinston
Stormwater Permit

Project Name: _____ Permit #: **SP** - _____

Project Location: _____

Owner: _____

Contact: _____

Address: _____

Telephone: _____ Fax: _____

Project Best Management Practices (bmps)

BMP Type: _____ location: _____

BMP Type: _____ location: _____

BMP Type: _____ location: _____

BMP Type: _____ location: _____

BMP Type: _____ location: _____

I, _____, do hereby take responsibility for these Best Management Practices (BMPs). This responsibility includes inspections, maintenance and repairs as needed for the BMPs to perform as designed. The City of Kinston has permission to enter upon the property to perform annual inspections of the components of the storm water system. I am responsible for any expenses incurred by the City of Kinston pertaining to these BMPs including annual inspection fees, permit fees, repairs and maintenance performed by the City or by any other person contracted by the City in the event I do not perform such work myself as directed by the City, and any legal expenses incurred to perform such work and/or collect monies due the City of Kinston in regards to these BMPs. Any changes to the site plan for this property may result in a violation of this permit and necessitate a new permit being issued.

Notary Seal:

Signed: _____ Date: ___ / ___ / ___

I, _____, a Notary Public of the County

of _____, State of _____,

hereby certify that _____ personally appeared before me this day, and, being first duly sworn, executed the foregoing stormwater permit.

Notary Public: _____

My commission expires: _____

City Official: _____

Name/Title: _____