COUNTY DEPARTMENT AGENDA REQUEST

Department:	Stormwater Management Departm	Presenter(s):	Vanessa Birrell
Meeting Date:	Thursday, September 22, 2011	Type of Request:	Old Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance No. 2011-08 authorizing Fayette County to establish a stormwater utility that will be funded by user-fees.

Background/History/Details:

Since 2003 staff have presented to the BOC the consistent increase of stormwater management responsibilities and various funding opportunities available. Most pipes installed in Fayette County are corrugated metal pipe with an average life span of 25 years. Currently 40% of county subdivisions are over 25 years old. The level of stormwater management the county currently provides can no longer support the mounting maintenance and replacement needs of infrastructure and increasing state and federal unfunded regulatory mandates.

What action are you seeking from the Board of Commissioners?

Adoption of Ordinance No. 2011-08 authorizing Fayette County to establish a stormwater utility that will be funded by user-fees.

If this item requires funding, please describe:

Staff is recommending a dedicated stormwater enterprise fund be established sourced from user-fees based on a fair and equitable rate methodology that associates demand placed on the system directly proportional to the user.

Has this issue come before the Commissioners in the past?	Yes	If so, when?	Since 2003
Do you need audio-visual for the presentation?	Yes	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

TO: **Fayette County Board of Commissioners**

FROM: **Stormwater Management Department**

DATE: **Sept 22, 2011**

SUBJECT: **Revised Stormwater Management Funding Recommendation**

The level of stormwater management the county currently provides can no longer support the mounting maintenance and replacement needs of infrastructure and increasing state and federal unfunded regulatory mandates. Stormwater staff is recommending a dedicated stormwater enterprise fund be established sourced from user-fees based on a fair and equitable rate methodology that associates demand placed on the system directly proportional to the user.

Attached is a proposed three-year operations plan and budget. Work proposed under this plan encompasses:

- conducting a full inventory and inspection of the stormwater infrastructure using current staff;
- completing future-conditions floodplain mapping required by the Metropolitan North Georgia Water Planning District; and,
- performing minor operations and maintenance beyond the current complaint-based level.

Conducting a full inventory and inspection throughout the County will provide the necessary roadmap to detail the full financial exposure of necessary infrastructure repair and maintenance costs. At completion of this process a Stormwater Master Plan outlining all critical stormwater improvement needs and a systematic operations and maintenance plan will be presented to the Board.

The proposed user-fee rate $0.35 per 1,000 square feet can provide the dedicated funding needed to conduct the proposed work. This translates to an annual fee of $25.20 for the average 6,400 square foot home in the County. The user-fee rate is based on the amount of impervious area for each parcel. Impervious area is directly proportional to demand put on the stormwater management system and therefore is the most equitable for assigning service charges. An annual report will be submitted summarizing financial status and work accomplished for the period.

Also attached is the credit manual referenced in the proposed Stormwater Utility ordinance. This manual details policies, processes, technologies and credits available to property owners who implement stormwater best management practices. The cumulative effect of these best management practices are intended to reduce demand and impact of the Stormwater Management Program, thereby, reducing the overall costs to protect the County's most valuable natural resource.

Fayette County Stormwater Management Program Proposed 3 - Year Operations Plan						
EXPENSE				**Year 1**	**Year 2**	**Year 3**
ADMINISTRATION						
Enterprise Functions (Legal, Financial, HR, etc.)		5.00%	$33,195 / Year	$33,195	$34,191	$35,217
Bill Preparation		1	$18,000 / Year	$40,000	$18,540	$19,096
			Administration Subtotal	***$73,195***	***$52,731***	***$54,313***
ENVIRONMENTAL ENFORCEMENT AND COMPLIANCE	**Rate**		**Cost**			
Personnel / Overhead[1]						
Stormwater Director (existing)	$67,000 / Year	0.50 FTE	$82,410 / Year	$41,205	$42,029	$42,870
Environmental Programs Engineer (existing)	$65,000 / Year	1.00 FTE	$79,950 / Year	$79,950	$81,549	$83,180
Environmental Tech (existing)	$41,500 / Year	1.00 FTE	$51,045 / Year	$51,045	$52,066	$53,107
Environmental Tech (existing)	$44,000 / Year	1.00 FTE	$54,120 / Year	$54,120	$55,202	$56,306
Engineering Tech (existing)	$42,000 / Year	1.00 FTE	$51,660 / Year	$51,660	$52,693	$53,747
Operations						
General Supplies			$14,000 / Year	$14,000	$14,280	$14,566
GIS Equip/Computers/Software			$15,600 / Year	$20,000	$2,400	$2,448
Public Outreach/ Compliance			$10,000 / Year	$3,000	$3,060	$3,121
Advertising			$1,000 / Year	$1,000	$1,020	$1,040
Communication Services			$2,250 / Year	$2,250	$2,295	$2,341
			Environmental Enforcement and Compliance Subtotal	***$318,230***	***$306,594***	***$312,726***
Flood Plain Mapping				$75,000	$85,000	$125,000
Operations and Maintenance				$100,000	$150,000	$150,000
			Subtotal	***$175,000***	***$235,000***	***$275,000***
			Total Cost of Services	***$566,425***	***$594,325***	***$642,039***

1- (estimated med insurance/retirement adjustments)

Fayette County Stormwater Management Program - Preliminary Rate Study			
	Year 1	Year 2	Year 3
REVENUE			
Stormwater Utility Revenue			
Number of RERUs (A)[1]	**158,071**	**159,651**	**161,248**
Monthly Charge per RERU ($) (B)	**$0.35**	**$0.35**	**$0.35**
Average Monthly Charge for 6,400 sq. ft. home[2]	**$2.10**	**$2.10**	**$2.10**
Yearly Charge for 6,400 sq. ft. home	**$25.20**	**$25.20**	**$25.20**
YEARLY GROSS UTILITY REVENUE (A*B)*12	**$663,897**	**$670,536**	**$677,241**
Revenue Additions[3]	$0	$47,679	$73,599
Revenue Reductions[4]	($66,390)	($67,054)	($67,724)
YEAR NET REVENUE FOR SWMP (C)	**$597,507**	**$651,161**	**$683,116**
EXPENSES			
Administration	$73,195	$52,731	$54,313
Environmental Enforcement and Compliance	$318,230	$306,594	$312,726
Operations & Maintenance	$0	$0	$0
Direct Capital Outlay	$175,000	$235,000	$275,000
YEAR EXPENSES (D)	**$566,425**	**$594,325**	**$642,039**

YEAR-END FUND BALANCE = C-D	**$31,082**	**$56,836**	**$41,077**

1 - RERU = Rounded Equivalent Residential Unit (Impervious area/1000 sq. ft.) and 1% increase in RERU per year for new impervious area
2 - Average Size Impervious area for a Single Family Residential Lot in Unincorporated Fayette County
2 - Year-End Fund Balance and Delinquency Collections (half of pervious year)
3 - 5% Delinquencies and 5% Credits

Stormwater Utility Credit Technical Manual

Fayette County
GEORGIA

Stormwater Management Department

November 2011

SECTION 1 – GENERAL INFORMATION

Stormwater Utility user fee credits are given to property owners for being good stewards of the natural water resources in Fayette County by performing stormwater best management practices (BMPs). The cumulative effect of these BMPs are intended to reduce demand/impact on the Fayette County Stormwater Management Programs, improve water quality, reduce flooding, and provide a cleaner natural resource for Fayette County.

These credits, when applied to the customer's account, will reduce the customer's user fee amount. These credits will also be reviewed on a periodic basis by the County to insure compliance with this Stormwater Utility Credit Manual (the Manual.)

Summary of Stormwater User Fee Credits

Table 1 summarizes both structural and non-structural user fee credits available to the Stormwater Utility customers outlined in this manual. Per County policy, the maximum user fee credit that a customer account can receive is **100%** for No-impact parcels and **50%** for all other parcels**.**

Table 1- Stormwater User Fee Credits

Best Management Practice	Term	Potential Stormwater User Fee Credit	
		Single Family Residential (SFR)	Non Single Family Residential (NSFR)
Residential Environmental Technology	3 YEARS	20 %	
Rain Barrels	3 YEARS	20 %	
Low-Impact Parcel			
2 acres	5 YEARS	10 %	
5 acres	5 YEARS	15 %	
No-impact Parcel	5 YEARS	100 %	100%
Watershed Stewardship	1 YEARS	10 %	
Septic Tank Maintenance	5 YEARS	20 %	20%
Natural Area Preservation	5 YEARS	25 %	25 %
Water Resources Education Programs	1 YEARS		50 %
NPDES Industrial Stormwater General Permit Compliance	1 YEARS		10 %
Unified Stormwater Sizing Criteria			
Water Quality	3 YEARS		10 %
Channel Protection	3 YEARS		10 %
Overbank Flood Protection	3 YEARS		10 %
Extreme Flood Protection	3 YEARS		10 %

1-Shall be automatically applied to all parcels which meet the condition, as long as the property owner's account is in good standing with Fayette County Stormwater Management.
2- Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits related to the GSMM Unified Stormwater Sizing Criteria.

SECTION 2 - Definitions

Except as specifically defined in this manual, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Best Management Practice (BMP): Schedules of activities, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, flood controls, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Credit. A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County stormwater management systems, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County.

Developed Land. All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Non-Single Family Residential Property (NSFR). Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

Single-Family Residential Property (SFR). Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management Services. All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater Management System. The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Undeveloped Land. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Section 3 - Stormwater User Fee Credit Policies

The County has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to Section 30-286 of the Stormwater Utility Rate Ordinance for additional guidance and requirements pertaining to the stormwater user fee credits.

- Credit applications for existing facilities may be submitted at any time. However, the credit will be applied retroactively to the first stormwater bill cycle only for those credit applications received within one year from the end of the month of the first stormwater billing. After that time it will be applied in the next billing cycle after the credit has been approved.

- Credit applications for new construction or redevelopment may be submitted once the BMPs are in place, approved by the County and the stormwater billing is scheduled.

- A group of customers can only apply for a credit if

    - the property owners enter a Memorandum of Agreement (MOA);

    - all property signing the MOA are served by the same BMP(s) and;

    - the MOA is not canceled at any time during the term of the credit.

- A residential homeowner's association (HOA), or a common development such as a multi-family apartment complex and/or a manufactured home park, which has its own properly designed, constructed, and maintained stormwater BMP(s) should contact the County Stormwater Management Department to determine if the HOA members, or common development customers, are eligible for a credit. For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development). BMPs located on County owned properties are not eligible for credits to private property owners. Additionally, BMPs that the County maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes.

    - For the purposes of awarding the credit, the credit being applied for must be met for the entire common development and must meet the Manual criteria.

    - Any resulting credit awarded will be divided among eligible customers within the HOA or the common development.

Section 4 - Stormwater User Fee Credit Application Process

The application for a stormwater user fee credit is as follows:

1. The customer shall obtain a copy of this manual (available online or in the Fayette County Stormwater Management Office) and determine if a credit is applicable to their property.

2. If applicable, the customer shall submit a completed application package, which can be found in the appendices of this document, for review based on this manual and an executed right of Entry Agreement.

3. The County will review the application package and notify the customer if the request is approved or denied within 30 days of receipt of the completed application. Incomplete application packages will not be considered by the County and will be returned to the customer for completion and/or revision. If the customer's application is not approved, the County send written notification explaining the denial.

4. If the credit application is approved, the County will apply the stormwater user fee credit to the next customer billing cycle, except those applications submitted and approved before June 1, 2012. Those applications submitted and approved before June 1, 2012 shall be retro-actively applied up to the time the user fee was initiated.

5. Once approved the County may choose to conduct an onsite inspection of the applicant's property, or review of non-structural practices, to ensure conformance to the manuals criteria. As such, part of a completed application the customer must grant the County a Right-of-Entry as outlined in Appendix X. This Right-of-Entry shall be valid for the entire time in which the credit is valid.

   Note: Stormwater user fee credits expire automatically at the end of the credit term. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the County.

SECTION 5 – CREDIT POLICY AND PROCEDURES

This section explains the procedures involved in applying for a stormwater user fee credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the Stormwater Utility credit.

Listed below are the stormwater user fee credits that Stormwater Utility customers are eligible to apply for and secure. Customers should follow the credit application procedures outlined herein for each credit they desire to secure.

- Residential Environmental Technology
- Rain Barrels
- Low-Impact Parcel
- No-impact Parcel
- Watershed Stewardship
- Septic Tank Maintenance
- Natural Area Preservation
- Water Resources Education Programs
- NPDES Industrial Stormwater General Permit Compliance
- Unified Stormwater Sizing Criteria
    - Management of Stormwater Runoff Water Quality Volume
    - Management of Stormwater Runoff Channel Protection Volume
    - Management of Stormwater Runoff Overbank Flood Protection Volume
    - Management of Stormwater Runoff Extreme Flood Protection Volume

In order to receive credits, the customer shall continue to conduct maintenance on all structural credits and will provide Fayette County Stormwater with the appropriate information for all non-structural credits.

Residential Environmental Technology (10% credit for 3 years)

Eligible Customer Classes: SFR

This credit shall be applied to eligible, county approved residential environmental technologies. These may include but are not limited to cisterns, rain gardens, pervious pavements, etc. Home owners should work with the County Stormwater Utility manager to select the appropriate Residential Environmental Technology. All residential environmental technologies shall be designed using the GSMM standards; if the GSMM does not have a standard for a technology other technical documentation may be used at the discretion of the Stormwater Utility manager.

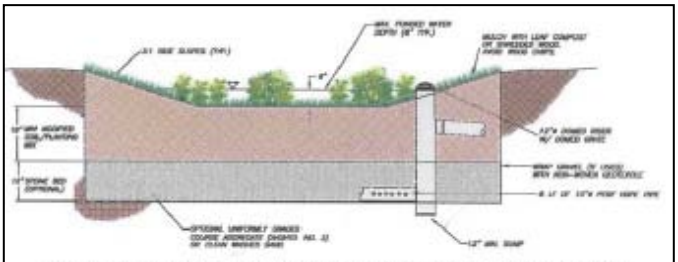


Figure 4.7-1 Cross Section of a Typical Rain Garden (stone bed is optional) (Source: PGDER, 2002)

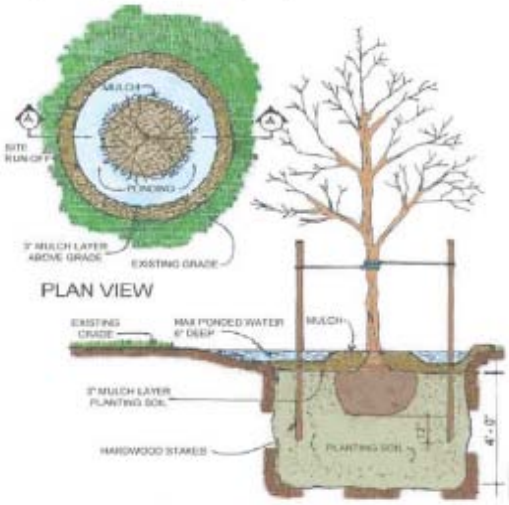


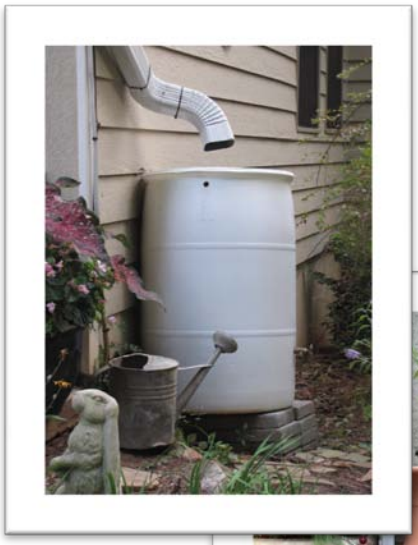
Figure 4.7-2 Tree Pit Bioretention (Source: PGDER, 2002)

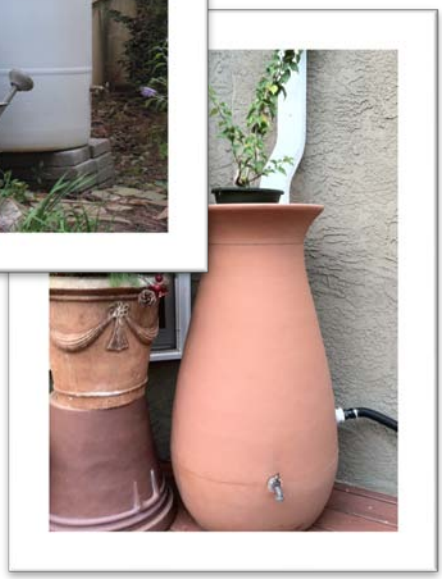
The credit shall be applied once documentation has been given to the Stormwater Utility manager confirming installation of the Residential Environmental Technology.

The customer shall continue to maintain the Residential Environmental Technology during the full credit term of three years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Rain Barrels (up to 20% for 3 years)

Eligible Customer Classes: SFR





The County recognizes that reducing the amount of runoff leaving a SFR property/site via interception and storage in rain barrels not only reduces the demand on the downstream drainage network but also reduces the need for irrigation water from the potable water system. As such, the County has implemented a credit for those SFR customers who install rain barrels on their property to intercept and store runoff.

A credit shall apply to those SFR customers who can provide documentation that either ½ or all of the downspouts from their roof gutter system are connected to a rain barrel of at least 40 gallons in size. For example, if a home has 4 downspouts then a total of 4 rain barrels would need to be installed such that a rain barrel has been placed under each discharge point in order to receive the maximum credit of 20% off their total stormwater user fee. If a homeowner is unable to install rain barrels on all downspouts, then they may install rain barrels on ½ of their downspouts and be eligible for a credit of 10%. Each SFR customer shall utilize the following procedures:

The customer shall provide documentation via a sketch of the home and/or photographs of the rain barrels such that each downspout is connected to an approved rain barrel device.

Approved rain barrels shall consist of a water tight barrel with a capacity of 40 gallons or more that intercepts runoff from a downspout. Additionally, the rain barrel must have a spigot where stored runoff water can be drained in a controlled manner at a later time.

If the SFR customer meets all the requirements above, the customer will receive a stormwater user fee credit of up to 20% off their stormwater user fee as outlined herein for a period of five years.

The customer shall continue to maintain the SFR rain barrels during the full credit term of five years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Low-Impact Parcel (10% or 15% credit for 5 years)

Eligible Customer Classes: SFR

There are several areas in the County where the amount of impervious area, in comparison to the total lot size, is relatively small. The resulting impact is a reduction of runoff impacts since most of the parcel is in an undeveloped or low impact.

A credit of 10% shall apply automatically to all SFR customers whose parcels are larger than 2 acres and their impervious area is less than 10% of the total parcel.

A credit of 15% shall apply automatically to all SFR customers whose parcels are larger than 5 acres and their impervious area is less than 10% of the total parcel.

Note: If the stormwater utility fee is delinquent or in bad standings with the County, the credit will be revoked and the customer will have to reapply for the credit.

No-Impact Parcel (100% for 5 years)

Eligible Customer Classes: SFR and NSFR

A property or site that does not contribute to the stormwater runoff to the County's public drainage system either directly or indirectly may be eligible for a No-impact stormwater user fee credit.

The No-impact Parcel credit is available to customers who can demonstrate that the following conditions exist with regard to their property/site:

Stormwater runoff after leaving the property does not drain or discharge to a County-owned drainage facility and/or system and ultimately drains or discharges to the drainage system of another local government or state waters such that the site discharge does not flow through the Fayette County public drainage system at any point downstream and/or Water Supply Watershed as defined by Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-16 Rules for Environmental Planning Criteria.

A credit of up to 100% off the stormwater user fee charge is available for No-impact parcel for a period of five years.

The customer shall provide the County the necessary information pertaining to the drainage conveyance from their property to the appropriate downstream points. This information should be documented in the form of a topographical (Fayette County GIS LiDar base topology is acceptable) based drainage map and a statement of accuracy prepared by a Georgia Professional Engineer, or Land Surveyor, unless otherwise approved by the Stormwater Utility Manager.

Watershed Stewardship (10% for 1 year)

Eligible Customer Classes: SFR

The County believes that education and natural resource protection is a vital part of holistic stormwater management program and a customer can receive credit for their efforts in this watershed stewardship. This credit is given for customers who participate in County approved programs including but not limited to Rivers Alive, Adopt-A-Stream, storm drain marking, etc. To receive the credit the customer must provide the participatory certification for the County's Watershed Stewardship Program for each event.

Please see the County for approval any event not conducted by or sponsored by the County.

A 10% credit off the stormwater user fee is available for the Watershed Stewardship Credit for a period of one year.

Septic Tank Maintenance (20% for 5 years)

Eligible Customer Classes: SFR and NSFR

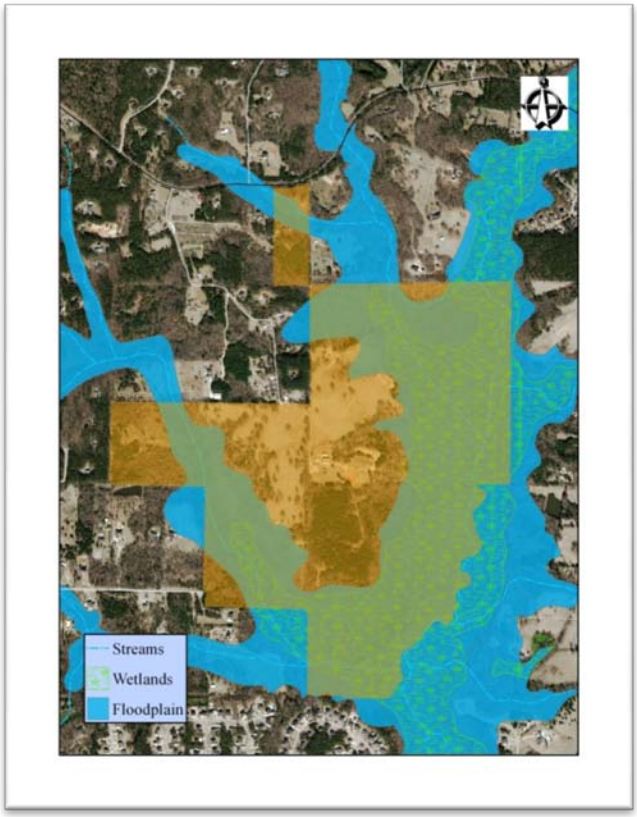
Customers are eligible for a stormwater user fee credit if the customer conducts approved maintenance activities on existing septic systems utilized for the customer's property. Customers that have their septic tanks pumped out and/or maintained on a regular basis (minimum of every five years) can receive a credit.

The customer shall provide receipt documentation with maintenance preformed, date and address from a certified hauler of septic waste as long as the date of maintenance and address are noted on the documentation (including receipts). The inspection/ maintenance needs to be performed within 6 months of the date of the application for a credit.

A 20% credit off the stormwater user fee charge is available for five years for approved septic tank maintenance activities.

Natural Area Preservation (20% for 5 years)

Eligible Customer Classes: SFR and NSFR



A stormwater credit may be granted when undisturbed natural areas are conserved on a site, thereby retaining their pre-development hydrologic and water quality characteristics. These areas can include:

- Undeveloped land;
- Federally recognized wetlands;
- Lands containing Federally Endangered Species;
- Undeveloped lands within stream buffers and/or floodplains; and
- Constructed stormwater wetlands.

The natural area must have a minimum contiguous area of 1 acre and must be located within an acceptable conservation easement instrument that ensures perpetual protection of the proposed area.

The customer shall provide the County all applicable documentation regarding the conservation easement instrument sealed by a Georgia Professional Land Surveyor, including but not limited to a plat of the proposed area, the page book and page number recorded at the Clerk's office.

The customer is eligible to receive a 1% credit for every 1% of the total area of the parcel that is permanently protected. The customer can receive a maximum of up to a 20% credit for an unlimited period of time.

Water Resources Education (50% for 1 years)

Eligible Customer Classes: NSFR

The County encourages and supports the efforts of both public and private organizations to educate and inform the public on the importance of water conservation and water resources issues.

The Water Resources Education Program credit is available for educational services in all public or private K-12 educational systems. The education program must be consistent with the County's approved stormwater management education program and must also be pre-approved by the County. The credit shall be available to eligible customers that teach at least 500 participants in an approved Water Resources Education Program.

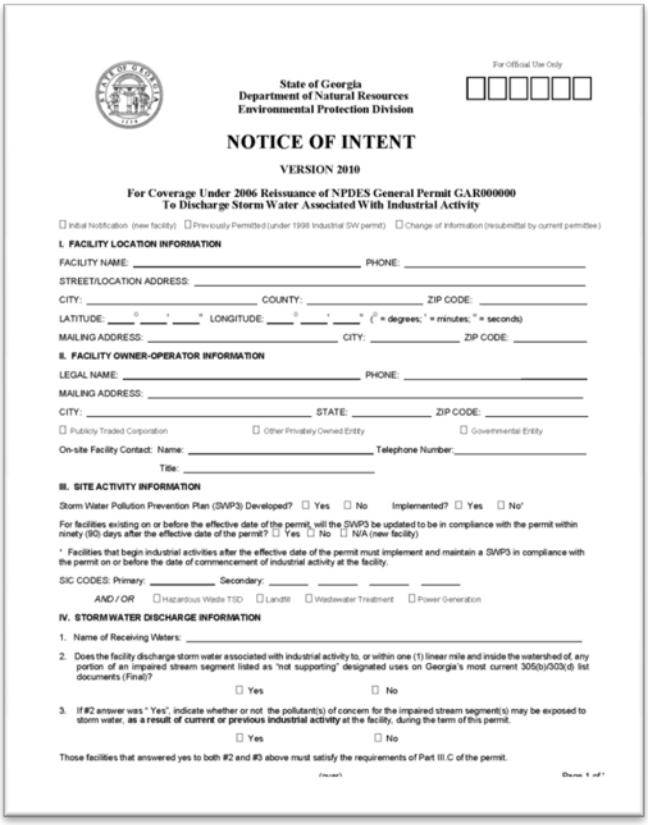
The program must address the following elements: stormwater runoff/pollution prevention or water conservation.

The person responsible for the customer account shall certify to the County Stormwater Utility Manager, that a water resources based curriculum is being taught at the facility and provide detailed documentation verifying the program.

A 50% credit off the stormwater user fee is available for the Water Resources Education credit for a period of five years.

NPDES Industrial Stormwater Permit (10% for 1 year)

Eligible Customer Classes: NSFR



For Official Use Only

State of Georgia
Department of Natural Resources
Environmental Protection Division

NOTICE OF INTENT

VERSION 2010

For Coverage Under 2006 Reissuance of NPDES General Permit GAR000000 To Discharge Storm Water Associated With Industrial Activity

☐ Initial Notification (new facility) ☐ Previously Permitted (under 1998 Industrial SW permit) ☐ Change of information (resubmittal by current permittee)

I. FACILITY LOCATION INFORMATION

FACILITY NAME: _____ PHONE: _____

STREET/LOCATION ADDRESS: _____

CITY: _____ COUNTY: _____ ZIP CODE: _____

LATITUDE: ___° ___' ___" LONGITUDE: ___° ___' ___" (° = degrees; ' = minutes; " = seconds)

MAILING ADDRESS: _____ CITY: _____ ZIP CODE: _____

II. FACILITY OWNER-OPERATOR INFORMATION

LEGAL NAME: _____ PHONE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

☐ Publicly Traded Corporation ☐ Other Privately Owned Entity ☐ Governmental Entity

On-site Facility Contact: Name: _____ Telephone Number: _____

Title: _____

III. SITE ACTIVITY INFORMATION

Storm Water Pollution Prevention Plan (SWP3) Developed? ☐ Yes ☐ No Implemented? ☐ Yes ☐ No*

For facilities existing on or before the effective date of the permit, will the SWP3 be updated to be in compliance with the permit within ninety (90) days after the effective date of the permit? ☐ Yes ☐ No ☐ N/A (new facility)

* Facilities that begin industrial activities after the effective date of the permit must implement and maintain a SWP3 in compliance with the permit on or before the date of commencement of industrial activity at the facility.

SIC CODES: Primary: _____ Secondary: _____ _____ _____ _____

AND / OR ☐ Hazardous Waste TSD ☐ Landfill ☐ Wastewater Treatment ☐ Power Generation

IV. STORMWATER DISCHARGE INFORMATION

1. Name of Receiving Waters: _____
2. Does the facility discharge storm water associated with industrial activity to, or within one (1) linear mile and inside the watershed of, any portion of an impaired stream segment listed as "not supporting" designated uses on Georgia's most current 305(b)/303(d) list documents (Final)?

   ☐ Yes ☐ No
3. If #2 answer was " Yes", indicate whether or not the pollutant(s) of concern for the impaired stream segment(s) may be exposed to storm water, **as a result of current or previous industrial activity** at the facility, during the term of this permit.

   ☐ Yes ☐ No

Those facilities that answered yes to both #2 and #3 above must satisfy the requirements of Part III.C of the permit.

NSFR customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements. Implementation of the applicable compliance requirements assists the County in addressing water quality impairment issues at the source prior to discharge into the County's Stormwater Management System and/or State Waters. If the NSFR customer has properly secured coverage under the NPDES Industrial Stormwater General Permit, and is in compliance with all applicable requirements, i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWP3), a credit application may be filed with the County to secure a credit.

NSFR properties that operate NPDES Industrial Stormwater Permitted facility that must secure coverage per its Standard Industry Code (SIC) are eligible for a stormwater user fee credit. For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website. (www.gaepd.org)

The credit amount available for NPDES Industrial Stormwater General Permit compliance is 10% off the stormwater user fee charge for a period of one year.

In order to maintain the credit, the NSFR customer shall provide a copy of the NOI filed with the sate and send a copy of the annual report to the County Stormwater Utility Manager each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Unified Stormwater Sizing Criteria (up to 40%)

Eligible Customer Classes: NSFR*

** SFR customers that are part of a larger common development (or subdivision) can collectively apply for the credits related to the GSMM Unified Stormwater Sizing Criteria after consultation with the Stormwater Utility Manager to establish potential eligibility.*

The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria is intended to be used in conjunction with the others to address the overall stormwater runoff impacts from a development site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100- year storm).

The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Professional Hydrologist demonstrating compliance with the requirements and criteria outlined herein. Table 3 presents each treatment level with a description of each, as provided in the GSMM.

Table 3: Unified Stormwater Sizing Criteria

Treatment Level	Maximum Available Credit	Criteria Description
Water Quality	10%	Treat the runoff from 85% of the storms that occur in an average year. Per the GSMM, this equates to providing water quality treatment for the runoff resulting from a rainfall depth of 1.2 inches. Reduce average annual post-development TSS loadings by 80%.
Channel Protection	10%	Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
Overbank Flood Protection	10%	Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
Extreme Flood Protection	10%	Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information published in the GSMM and the CSS.

A 10% credit off the stormwater user fee charge per the unified stormwater sizing criteria element is available for a period of three years.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred, the County may request design information be updated to document compliance with Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the County's current ordinances and design standards related to stormwater management.

STORMWATER USER FEE CREDIT APPLICATION FORMS & OTHER MISCELLANEOUS FORMS

Stormwater user fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.

Appendix A includes the credit application form for the SFR stormwater user fee credits described in this Manual.

Appendix B includes the credit application form for the NSFR stormwater user fee credits described in this Manual.

Appendix C includes the credit application forms for each available credit.

Appendix D includes miscellaneous forms required as part of the stormwater user fee credit application process, including a Right-of-Entry Agreement.

Stormwater Utility Credit Technical Manual
Appendix A
SFR Credit Application

Fayette County

SFR Stormwater Utility Credit Application Form

General Customer Information	
Name	
Street Address	
City ST ZIP Code	
Home Phone	
E-Mail Address	
Stormwater Utility Account Number	

Property Information	
Parcel ID Number	
Parcel Street Address	
City ST ZIP Code	
Authorized Contact (if different than owner)	

Credit to be applied (please include applicable forms and include with this application)

- ☐ Residential Environmental Technology
- ☐ Rain Barrels
- ☐ Low-Impact Parcel
- ☐ Natural Area Preservation
- ☐ No-impact Parcel
- ☐ Watershed Stewardship
- ☐ Septic Tank Maintenance

Authorization

I hereby request Fayette County to review this application for a stormwater service fee credit. I further authorize the County to investigate the impervious area characteristics of the above identified parcel for the purpose of assessment for a stormwater user fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein. (The financially responsible person must sign this form if an individual, or if not an individual, by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person).

Type or print name _____ Title or Authority _____

Signature _____ Date _____

Approval:

Stormwater Manager _____ Date _____

Stormwater Utility Credit Technical Manual
Appendix B
NSFR Credit Application

Fayette County

NSFR Stormwater Utility Credit Application Form

General Information

Name	
Street Address	
City ST ZIP Code	
Home Phone	
E-Mail Address	
Stormwater Utility Account Number	

Property Information

Parcel ID Number	
Parcel Street Address	
City ST ZIP Code	
Authorized Contact (if different than owner)	

Credit to be applied (please include applicable forms and include with this application)

- ☐ No-impact Parcel
- ☐ Natural Area Preservation
- ☐ Water Resources Education Programs
- ☐ NPDES Industrial Permit Compliance
- ☐ Water Quality
- ☐ Channel Protection
- ☐ Overbank Flood Protection
- ☐ Extreme Flood Protection

Authorization

I hereby request Fayette County to review this application for a stormwater service fee credit. I further authorize the County to investigate the impervious area characteristics of the above identified parcel for the purpose of assessment for a stormwater user fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein. (The financially responsible person must sign this form if an individual, or if not an individual by an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person).

Type or print name _____ Title or Authority _____

Signature _____ Date _____

Approval:

Stormwater Manager _____ Date _____

Stormwater Utility Credit Technical Manual
Appendix C
Credit Forms

Fayette County

Residential Environmental Technology Application Form

General Information

Stormwater Utility Account Number	

Environmental Technology to be utilized

- ☐ Cistern(s)
- ☐ Rain garden(s)
- ☐ Pervious Pavement
- ☐ Bioretention Area(s)
- ☐ Vegetated (Green) Roof
- ☐ Other: _____

Submittal Requirements

- ☐ Site Plan
- ☐ Structural Design
- ☐ Maintenance Schedule
- ☐ Installation Date: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Approval:

_____ _____

Stormwater Manager Date

Fayette County

Rain Barrels Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

- ☐ Site Plan
- ☐ Structural Design
- ☐ Maintenance Schedule
- ☐ Size of Rain Barrels: _____
- ☐ Total Number of Downspouts: _____
- ☐ Number of Downspouts with Rain Barrels: _____
- ☐ Installation Date: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Staff Use Only

Credit Amount:

☐ **10% Credit** ☐ **20% Credit**

Approval:

_____ _____

Stormwater Manager Date

Fayette County

Low-Impact Parcel Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

☐ Parcel Acreage: _____

☐ Impervious Area: _____

☐ Percent Imperviousness: _____

Type or print name

Title or Authority

Signature

Date

Approval:

Stormwater Manager

Date

Fayette County

No-Impact Parcel Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

☐ Parcel Topology Map

☐ Drains To: _____

Professional Seal

In my professional opinion the property located at _____ **does not** drain/discharge to a County-owned drainage facility and/or system and **does not** drain/discharge to a Water Supply Watershed as defined by Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-16 Rules for Environmental Planning Criteria.

Professional Signature	Date
Customer name (print)	Title or Authority
Signature	Date

Approval:

Stormwater Manager	Date

Fayette County

Watershed Stewardship Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

- ☐ Earth Day
- ☐ Rivers Alive
- ☐ Adopt-a-Stream
- ☐ Other: _____
- ☐ Event Application Sheet (approved by Stormwater Manager)
- ☐ Event Certificate of Attendance.

Type or print name	Title or Authority
Signature	Date

Approval:

Stormwater Manager	Date

Fayette County

Septic Tank Maintenance Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

- ☐ Certified Hauler: _____
- ☐ Date Maintained: _____
- ☐ Documentation (including receipts)

Type or print name	Title or Authority
Signature	Date

Approval:

Stormwater Manager	Date

Fayette County

Natural Area Preservation Application Form

General Information

Stormwater Utility Account Number	

Type of Natural Area for Preservation

- ☐ Undeveloped land in its natural state
- ☐ Federally recognized wetlands
- ☐ Lands containing Federally Endangered Species (including documentation)
- ☐ Undeveloped lands within stream buffers and/or floodplains
- ☐ Constructed stormwater wetlands
- ☐ Other: _____

Submittal Requirements

- ☐ Site Plan
- ☐ Amount of Area in Preservation
- ☐ Documentation Submitted to the Clerk's Office
- ☐ Page Book: _____ ☐ Page Number: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Approval:

_____ _____

Stormwater Manager Date

Fayette County

Watershed Stewardship Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

☐ Approximate Number of Students: _____

☐ Curriculum Detail Attachment

Type or print name

Title or Authority

Signature

Date

Approval:

Stormwater Manager

Date

Fayette County

NPDES Industrial Stormwater General Permit Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

- ☐ SIC Code: _____
- ☐ Type of Industrial Activity: _____
- ☐ Copy of NPDES NOI (must have been submitted to the state)
- ☐ Copy of Stormwater Pollution Protection Plan (SWPPP)
- ☐ Copy of NPDES Annual Report

Type or print name	Title or Authority
Signature	Date

Approval:

Stormwater Manager	Date

Fayette County

Unified Stormwater Sizing Criteria Application Form

General Information

Stormwater Utility Account Number	

Type Sizing Criteria

- ☐ Water Quality
- ☐ Channel Protection
- ☐ Overbank Flood Protection
- ☐ Extreme Flood Protection

Submittal Requirements

- ☐ Site Plan
- ☐ Hydrology Study
- ☐ Inspection and Maintenance Plan
- ☐ Installation and Maintenance Date: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Staff Use Only

Credit Amount:

☐ **10% Credit** ☐ **20% Credit** ☐ **30% Credit** ☐ **40% Credit**

Approval:

_____ _____

Stormwater Manager Date

Stormwater Utility Credit Technical Manual
Appendix D
Right-of-Entry Agreement

RIGHT OF ENTRY AGREEMENT

STATE OF GEORGIA
FAYETTE COUNTY

I/We _____ , the owner and/or tenant (circle which one or both) of the property commonly identified as _____, Fayette County, State of Georgia, do hereby grant and give freely and without coercion, the right of access and entry to said property to the Fayette County, its agents, contractors, and subcontractors thereof, for the purpose of performing necessary evaluations of onsite stormwater facilities, controls and site activities related to stormwater runoff management on _____(hereinafter "property") located in Fayette County, Georgia.

It is fully understood that this agreement shall not constitute or in any way be construed as to obligate Fayette County to perform any work on the above described property. The undersigned agrees and warrants to waive and hold harmless Fayette County, its agents, contractors, and subcontractors, for damage of any type, or any claim or action, either legal or equitable that might arise out of any activities on the above described property that are conducted by Fayette County, its agents, contractors and subcontractors, pursuant to this Agreement.

In consideration of this Right of Entry Agreement and the rights granted to Fayette County herein, the receipt and sufficiency of which is hereby acknowledged, Fayette County agrees, to perform only visual evaluations, and review pertinent property records and information, necessary to verify stormwater user fee credit eligibility.

I/We, will not receive(d) any monetary compensation or any other consideration for this Right of Entry agreement other than the visual inspection expressly contained herein.

Any interference by the property owner of Fayette County's right of entry will immediately terminate Fayette County's obligation to perform any further work on the property and the property owner will be responsible for completing the work described herein at their own expense.

For the considerations and purposes set forth herein, I set my hand this _____ day of_____20____.

_____	_____
Witness	Owner
_____	_____
Notary	Owner
	_____
	Address

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2011-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF FAYETTE COUNTY BY ADOPTING A NEW ARTICLE ?, *STORMWATER MANAGEMENT*,TO CHAPTER 19,UTILITIES, RELATING TO STORMWATER MANAGEMENT IN UNINCORPORATED FAYETTE COUNTY; STATING FINDINGS REGARDING STORMWATER MANAGEMENT NEEDS IN UNINCORPORATED FAYETTE COUNTY; ESTABLISHING A STORMWATER UTILITY AS A DEDICATED ENTERPRISE ACCOUNTING UNIT OF THE DIVISION OF UTILITY SERVICES, STORMWATER MANAGEMENT DEPARTMENT; STATING THE SERVICE AREA, PURPOSES, AND POWERS OF THE UTILITY; PROVIDING DEFINITIONS; STATING GENERAL SERVICE CHARGE RATE POLICIES; DECLARING THAT INDIVIDUAL SECTIONS OF THIS ORDINANCE SHALL BE SEVERABLE ONE FROM ANOTHER; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the ethical standards of county officials as allowed by the State of Georgia;

WHEREAS, Fayette County is responsible for the protection and preservation of the public health, safety, and welfare of the community;

WHEREAS, the Board of Commissioners of Fayette County is authorized by Article IX, Section II, Paragraph 111(a) (6) of the Georgia Constitution to provide stormwater management throughout the unincorporated area of Fayette County;

WHEREAS, the federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.) and rules promulgated by the United States Environmental Protection Agency pursuant to the Act place increased emphasis on the role of local governments in developing, implementing, conducting and funding stormwater management programs which address water quality impacts of storm water runoff;

WHEREAS, Fayette County commissioned a stormwater funding feasibility analysis by Integrated Science and Engineering that has been delivered to the County and has been examined, reviewed and discussed by the Board of Commissioners;

WHEREAS, the Board of Commissioners finds and concludes from the professional engineering and financial analysis that substantial stormwater management program operational and capital investment needs exist;

WHEREAS, the professional engineering and financial analysis indicates that adequate and stable funding will be essential if the county is to meet its future stormwater management program operational and capital investment needs; and

WHEREAS, it is the desire of the Board of Commissioners to proceed with the development, implementation, and operation of a utility for stormwater management accounted for in the County budget as a separate enterprise fund dedicated solely to stormwater management and to institute funding methods associated therewith;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. That Chapter 19, Utilities, is hereby amended by adopting Article 6, Stormwater Management, to read as follows:

Sec. 19-96. Findings.

The Board of Commissioners of Fayette County, Georgia makes the following findings:

(b) The professional engineering and financing analyses, prepared by Integrated Science and Engineering, Inc., properly assesses and defines the stormwater management problems, needs, goals, program priorities and funding opportunities of unincorporated Fayette County.

(c) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.

(d) Stormwater management is applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with the present and future needs of the community.

(e) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Provision of stormwater management programs and facilities renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from provision of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.

(f) Fayette County presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater systems owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities in Fayette County in concert with the management of other water resources in the County. In order to do so, the County must have adequate and stable funding for its stormwater management program operating and capital investment needs.

(g) The Board of Commissioners finds, concludes and determines that a Stormwater Utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.

(h) An equitable approach to funding stormwater management services and facilities can be provided by adopting

a schedule of service charges upon properties that is related to the burden of stormwater quality control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other funding methods which address specific needs, including but not limited to, allocations of special purpose local options sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

(i) A schedule of Stormwater Utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.

(j) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets that reduce or otherwise mitigate the impact of a particular property on the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, can be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility Manager.

(k) It is imperative that the proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

Sec. 19-97. Definitions.

Except as specifically defined in this chapter, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Credit. A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County stormwater management systems, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County.

Developed Land. All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

Fayette County Stormwater Utility User Fee Credit Manual. A technical guidance manual published by Fayette County that defines user fee credits available to private and public entities that undertake specific stormwater management activities and criteria and procedures for customers to secure and maintain stormwater user fee credit(s). The 'Fayette County Stormwater Utility User Fee Credit Manual' is hereby incorporated by reference.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Hydrologic Response. The manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

Non-Single Family Residential Property. Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

Service Charge. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by Fayette County Stormwater Utility. Service charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the stormwater utility's cost of providing stormwater management services and facilities. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the County.

Single-Family Residential Property. Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management

systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Stormwater Drainage Influence Zone. Areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the stormwater influence zone will extend for a length of six times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the stormwater drainage influence zone shall extend 24 feet (six times 48 inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The County stormwater utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the County has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the County for such purpose.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management Services. All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater Management System. The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Undeveloped Land. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Sec. 19-98. Establishment of a Stormwater Utility and Enterprise Fund.

(a) There is hereby established a Stormwater Utility within the Fayette County Utility Services which shall be responsible for stormwater management services throughout the unincorporated County limits, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such utility shall be under the direction of a Stormwater Management Director.

(b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater Enterprise Fund in the County budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the Stormwater

Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the stormwater utility, including capital project construction. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including, but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

Sec. 19-99. Scope of Responsibility for the Stormwater Utility.

(a) The stormwater utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County government. The utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater drainage systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

(b) The County owns or has legal access for purposes of operation, maintenance and improvements to those segments of the Fayette County Stormwater Management System that:

(1) Are located within public streets, rights-of-way, and easements;

(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or,

(3) Are located on public lands to which the County has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.

(c) Operation and maintenance of stormwater management systems located on private property or public property not owned by Fayette County and for which there has been no public dedication and acceptance of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.

(d) It is the intent of this ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the County, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the County as a condition precedent to any activity by or upon property not owned by the County, pursuant to this or any other regulatory ordinance, regulation or rule of the County or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the County, its officers, employees or agents.

Sec. 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater management system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The stormwater utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater drainage systems and/or facilities are functioning as designed and approved by the County.

(a) All property owners of improved property within the incorporated areas of unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and State and Federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section? of the Code of the Fayette County.

(b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(c) If determined by the Stormwater Management Department, undocumented drainage systems, located on private property that are connected to the County's stormwater drainage system, shall be permitted and improved by the property owner to ensure proper function to the public system. This determination may be based upon on the severity of stormwater problems, current or potential damage to the publicly-owned stormwater management system and potential hazards to the public health, safety and welfare.

(d) In the event a public nuisance is deemed to exist by the Stormwater Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Superior Court, the County may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Fayette County.

(e) Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject to an abatement action filed by the County in the ? Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the County may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.

(f) The County shall have lien rights from the date of the filing of the abatement action by the County, and said lien rights may be perfected through:

(1) A judgment; and,

(2) The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.

These enforcement methods shall be perfected by filing a notice of lien on the General Execution Docket of the

Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry.

State law reference — O.C.G.A. § 9-12-81(b).

Sec. 19-101. Stormwater Service Charges.
The stormwater management utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within the service area in a fair and equitable manner. The stormwater management utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property places on the County's stormwater management program and the stormwater services provided by the County.

It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable, and together with other funding sources available to the Fayette County Stormwater Management Utility, such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g. credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services), are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County.

The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.

(a) User-Fee Rate Calculation.

(1) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units for billing. The total square footage impervious area will be rounded down to the nearest 1,000 ft. increment. (Ex. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)

(2) Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to 1 equivalent runoff unit.)

(b) Calculation of Rate. The periodic stormwater user fee charges imposed on all developed properties shall be a rate of $0.35 per 1000 square feet per month.

Sec. 19-102. Stormwater User-fee Billing/Collections, and Delinquencies.

(a) Billing and Collections.

(1) The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the Fayette County Board of Commissioners.

(2) Stormwater user fee charges shall begin to accrue (date), and shall be billed periodically,

thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.

(b) Delinquencies.

(1) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.

(2) Any service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the County.

(3) No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

(4) Suits for collection shall be commenced by the County in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the County for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the County.

(5) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.

Sec. 19-103. Exemptions and Credits Applicable to Stormwater Service Charges.

Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of Fayette County shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility’s cost of providing stormwater management services and facilities.

(a) Exemptions to the stormwater user fee charges are as follows:

(1) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from stormwater user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

(3) Fayette County owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County’s existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets,

catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be exempt from stormwater user fee charges.

(b) The Stormwater Management Department shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Credit Technical Manual, which shall be adopted and amended by and at the discretion of the Board of Commissioners as an operating policy of the Stormwater Utility. Copies of the Credit Technical Manual shall be maintained by and available from the Stormwater Management Department.

Sec. 19-104. Effective Date of Stormwater Charges.

Stormwater service charges shall accrue beginning? and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

Sec. 19-105. Appeals.

Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner.

(a) An appeal must be filed in writing with the Fayette County Stormwater Management Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.

(b) Based on the information provided, a technical review shall be conducted by the Stormwater Management Director of the Stormwater Utility and a written determination will be issued within thirty (30) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment.

(c) In response to an appeal, the Stormwater Management Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

(d) A decision of the Stormwater Management Director which is adverse to an appellant may be further appealed to the Director's supervisor within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Director's supervisor by the appellant, stating the grounds for the appeal. The Director's supervisor shall issue a written decision on the appeal within thirty (30) days. All decisions of the Director's supervisor shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.

(e) If the person or entity seeking adjustment or relief from the service charge desires, the decision of the Stormwater Management Director's supervisor may be appealed in writing to the Board of Commissioners. Such appeals must be made within thirty (30) days of the decision of the Director's supervisor and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.

(f) This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court

of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.

(g) Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS 18th DAY OF NOVEMBER, 2010.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Herb Frady, Chairman

ATTEST:

_____
Carol Chandler, County Clerk