

Effective Date: 11/29/17
Approval: DGB

ADMINISTRATIVE DIRECTIVE

SECTION: STORMWATER
TOPIC: STORMWATER UTILITY CREDIT PROGRAM
REFERENCE: 1.1

I. DIRECTIVE

The City of Lewisville (City) adopted an ordinance on October 6, 2017 declaring stormwater (drainage) to be a public utility in order to provide a stable and equitable funding source for its stormwater management program. Benefitted properties (as defined in the ordinance) are charged monthly based on the amount of impervious area on each property. The Stormwater Utility Fee for a property may be allocated to several utility billing customers or tenants who use only a portion of the property.

The ordinance establishing the Stormwater Utility gives the Director of Public Services, or his designee (Administrator), the authority to grant credits to rate payers, who voluntarily use effective stormwater management techniques, or Best Management Practices (BMPs), to offset the impacts of stormwater runoff quantity and quality from their property. These credits are applied as a discount to the regular, monthly Stormwater Utility Fee calculated with the current prevailing rate.

The purpose of this Administrative Directive is to establish the conditions that must be achieved to qualify for these credits and to establish the administrative procedures for applying the credits to individual properties. This Policy is adopted in accordance with Chapter 16, Article X, Stormwater Drainage Utility System of the City's Code of Ordinances.

II. DEFINITIONS

Benefitted property means an improved parcel within the service area.

Best Management Practice or BMP means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent the pollution of the MS4 and waters in the State. Best Management Practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas.

City means the City of Lewisville, Texas.

Customer means an individual who is recorded as the customer of, or the person using, stormwater drainage utility or other service(s) for a parcel based on the records of the City.

Discharge means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to cause, allow, permit, or suffer any of these acts or omissions.

Impervious area means a measurement in square feet of impervious surface by which the amount of stormwater drainage runoff potential for a benefitted property within a Customer class is estimated.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is resistant to penetration by water. An impervious surface includes, but is not limited to, compacted soil with a surface treatment, gravel, crushed stone surface or soil compacted by vehicle traffic, asphalt or concrete pavement, a parking lot, a driveway, a sidewalk or private roadway, a building or artificial structure, or any surface that changes the natural landscape and increases, concentrates, pollutes, or otherwise alters the flow or amount of stormwater drainage runoff.

Multi-Sector General Permit (TXR0500000) means the TPDES Multi-Sector General Permit TXR050000, any successor permit, or any alternative TPDES permit for storm water discharges associated with industrial activity (if the activity does not qualify for coverage under General Permit TXR050000).

Non-single-family residential property means any improved parcel that is not a single-family residential property, including improved parcels used primarily for retail, commercial, industrial, institutional, or governmental uses, and apartment complexes. A condominium, attached single-family or two-family dwelling as defined by Lewisville City Code Section 17-3, manufactured housing, or mixed-use property that is master metered for water utility service shall be treated as a non-single-family residential property for the purposes of calculating stormwater drainage utility charges.

Owner means the person(s) or entity(ies) listed as the owner of a parcel in the Denton County Appraisal District's records, the Dallas County Appraisal District's records, or the City's records.

Person means an individual, sole proprietorship, partnership, limited partnership, joint venture, limited liability company, corporation, business trust, estate, association, and any other legal entity.

Runoff means drainage or flood discharge that leaves an area as surface flow or as pipeline flow.

Stormwater means any flow occurring during or after any form of natural precipitation, including rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater Pollution Prevention Plan or SWPPP means a plan required by a permit to discharge storm water associated with industrial activity or construction activity, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the facility.

Stormwater Utility means the stormwater drainage utility system owned or directly controlled by the City, in whole or in part, including the City's existing stormwater drainage facilities, materials, and supplies and any stormwater drainage facilities, materials, and supplies hereafter constructed or utilized, and dedicated to the service of benefitted property, including future additions to the system.

Stormwater Utility Fee means the fee or charge established by the City that is levied against an Owner or Customer of a benefitted property for stormwater drainage utility services provided by the stormwater drainage utility system.

III. ELIGIBILITY

Both single-family residential and non-residential properties are eligible for a Stormwater Utility Fee credit.

IV. ADMINISTRATION OF PROGRAM

The Administrator will be responsible for the overall administration of this Directive. The Administrator will review (or cause to be reviewed) and determine whether or not to approve applications for the Stormwater Utility Fee Credits and, if approved, certify the total amount of credit associated with each application. The Administrator will annually certify that credits should be extended or terminated. If the Administrator denies an application, the applicant may appeal the denial to the City Manager. A determination by the City Manager is final.

The Administrator will be responsible for amending the stormwater account records to reflect changes in credits.

The Administrator will receive and review annual self-reports and may conduct independent inspections of stormwater control features (BMPs), as appropriate, to ensure that these facilities are being maintained properly and in accordance with adopted maintenance plans.

V. APPLICATION

In order to be considered for a credit, a property owner or the owner's authorized agent (applicant) must submit an application for a Stormwater Utility Fee Credit to the City on a form approved by the City (see Attachment 1). No fees are required to submit an application for a Stormwater Utility

Fee Credit. The cost of administering this Stormwater Utility Fee credit program will be borne solely by the City through its Storm Water Management Program. The costs of preparing the application for a Stormwater Utility Fee Credit shall be borne by the applicant.

Industrial facilities applying for the Industrial Permit Compliance Credit must also complete the Supplemental Industrial Permit Information Form (see Attachment 2). All required attachments indicated in the forms or specified above must be included for the application to be considered complete.

This program, and all matters related hereto, is subject to modification by City. The program in effect at the time an application, report, document, or other information submitted to the City shall control the review and processing, and implementation in connection with such application, report, document, or other information.

VI. APPLICATION REVIEW

The initial review of Stormwater Utility Fee Credit applications will be completed within 60 days of the receipt of the application form and all required documentation. The application forms will be reviewed for completeness and accuracy. If deficiencies are found during the review, a deficiency letter will be sent to the applicant's contact person. Upon receipt of required additional information, the review will resume and be completed within 60 days of receipt of such additional information.

For certain credits, an inspection may be required. Where this is required, a City inspector will contact the applicant to schedule an initial facility inspection to determine current compliance status. Upon initial qualification, a letter will be sent to the applicant notifying them of approval of the credit. The fee reduction will be applied to the next regular billing cycle. The credits are valid for one year, unless the property in question has been determined to be in non-compliance with this program.

VII. ENGINEERING DOCUMENTATION

Technical information may be required from a Professional Engineer licensed to practice in the State of Texas and qualified in Civil Engineering to establish the impervious area that is served by a BMP, as well as to document compliance with the City's design standards. The City may require such technical information from an applicant (at the applicant's expense) as a condition to receiving and reviewing an application or any other information or report from the applicant.

VIII. INSPECTIONS

Upon application for a Stormwater Utility Fee Credit (or in connection with an annual self-report (see Section IX, below)), the applicant shall grant the City a right-of-entry to inspect the site that is the subject of the application at any time in order to verify the information submitted and to confirm compliance with applicable program requirements set forth in this Administrative Directive. If, after its review or inspection, the City finds the application (or annual self-report) to be inaccurate or the BMP(s) to be out of compliance, a written Notice of Non-compliance will be issued. All requirements associated with a Notice of Non-Compliance (see Section X) must be satisfied in order to avoid suspension of the Stormwater Utility Fee Credit.

IX. RENEWAL APPLICATION

If a property receives a Stormwater Utility Fee credit pursuant to this program, the applicant must, on an annual basis, submit to the City a renewal application on a form approved by the City (see Attachment 1), in order to continue to receive the credit. The renewal application must be received no later than the anniversary date of the initial credit approval, and must be accompanied by an annual self-report. The renewal application shall not be submitted more than sixty (60) days prior to the deadline. If the renewal application is not submitted to the City by the deadline, the property shall be considered to be in non-compliance with the Stormwater Utility Fee credit program requirements; and, the Stormwater Utility Fee Credit will be suspended. The Stormwater Utility Fee Credit suspension will remain in effect for a minimum of three (3) months and will not be reinstated until the renewal application is submitted to the City with documentation, to the City's satisfaction, that the program is being implemented as intended. The costs of performing compliance activities and preparing and submitting any renewal application shall be borne by the applicant.

X. ANNUAL SELF-MONITORING

The applicant shall submit a self-report, which documents maintenance activities, for each credit being requested with the annual renewal application. The self-report must document compliance, to the City's satisfaction, with all program requirements for the preceding 12-month period. An inspection may also be required depending on the type of credit. If, after its review or inspection, the City finds the self-report to be inaccurate or the BMP(s) to be out of compliance, a written Notice of Non-Compliance will be issued. All requirements associated with a Notice of Non-Compliance (see Section X) must be satisfied in order to avoid suspension of the Stormwater Utility Fee Credit.

XI. NOTICE OF NON-COMPLIANCE

If, after its review or inspection, the City finds the application (or annual self-report) to be inaccurate or the BMP(s) to be out of compliance, the applicant will be notified in writing (Notice) and given up to forty-five (45) days to correct the inaccuracy, non-compliance, or to have an approved plan of action in place. The City will determine the amount of time provided to correct the deficiency based on the type and severity of the non-compliance. For example, a structural BMP that requires maintenance or an engineered solution will be given more time than a documentation error or a good housekeeping BMP, such as parking lot sweeping.

Within the deadline established by the City, the applicant must provide to the City written documentation and evidence (Notice Response) satisfactory to the City that the application (or annual self-report) has been corrected and/or that the BMP(s) is in compliance with all applicable program requirements. If the inaccuracy in an application (or annual self-report) has not been corrected or the BMP(s) is not in compliance as required by the Notice and this Policy (as determined by the City), or if the applicant fails to provide a Notice Response to the City by the deadline, the Stormwater Utility Fee Credit will be suspended on the following utility billing cycle. The credit suspension will remain in effect for six (6) months, after which time the applicant may reapply for the Stormwater Utility Fee Credit. The reapplication must include evidence satisfactory to the City that the inaccuracy in an application (or annual self-report) has been

corrected and/or that the BMP(s) has been in compliance with the program requirements for at least three (3) months prior to reapplication.

XII. TYPES OF CREDITS

A. Single-Family Residential

Individual lots or tracts can be eligible for municipal credits up to a maximum total credit per lot or tract of 25%. Individual credits are available for the following BMP, and the credit requirements of the BMP are listed below:

Table 1: Single-Family Residential

Credit Option	Maximum Percent Credit Allowable	Engineering Documentation	Maintenance	Inspection	Annual Self-Report
1. Denton County #1 Levee Improvement District Credit	25	-	-	-	-

1. Properties within the Denton County #1 Levee Improvement District

A 25% Stormwater Utility Fee Credit shall be given to properties within the boundaries of the Denton County #1 Levee Improvement District (DCLID) for the mitigative effects of the levee, sump and pump station system that affords the City of Lewisville additional flood control capacity, as well as water quality and erosion control capabilities above what would be available without the system. This credit is applied automatically and does not require an application or annual renewal.

B. Non-Single Family Residential

Individual lots or tracts can be eligible for municipal credits up to a maximum total credit per lot or tract of 50%. Individual credits are available for the following BMPs, and the credit requirements of each BMP are listed below:

Table 2: Non-Single Family Residential

Credit Option	Maximum Percent Credit Allowable	Engineering Documentation	Maintenance	Inspection	Annual Self-Report
1. Adopt-a-Spot Program Credit	5	-	-	-	X
2. Parking Lot Sweeping Credit	5	-	-	-	X
3. Detention or Retention Pond Credit	20	-	X	X	X
4. Zero Discharge Credit	40	X	X	X	X
5. Permanent Structural Controls Credit	40	X	X	X	X
6. Student Education Credit	10	-	-	-	X
7. Industrial Facility Credit	5	-	-	X	X
8. Denton County #1 Levee Improvement District Credit	25	-	-	-	-

1. **Adopt-a-Spot Program Credit**

Businesses that participate in the Keep Lewisville Beautiful (KLB) Adopt-A-Spot program are eligible to receive a 5% credit. Civic groups that participate in the KLB Adopt-a-Spot program have the ability to identify a benefactor landowner to receive a 5% credit. Annual self-reporting is required by the business or benefactor to ensure that the program is in good standing. The City may also verify that the program is in good standing with KLB.

2. **Parking Lot Sweeping Credit**

A 5% credit will be given when the entire parking lot is swept at least monthly, and all debris is collected and properly disposed. Annual self-reporting is required to document coverage, sweeping frequency and disposal.

3. **Detention or Retention Pond Credit**

Up to 20% credit will be given for developments that choose to design their detention or retention ponds in a manner that conforms to Chapter 6 *Land Development Regulations*, Section 6-96 *Drainage* of the Lewisville Code of Ordinances, as it exists or may be amended. The amount of the credit is prorated based on the percentage of the impervious area that is served by the BMP. It is the responsibility of the applicant to determine what percentage of the impervious area is served by the BMP. Annual self-reporting, including maintenance and inspection documentation is required.

4. **Zero Discharge Credit**

Up to 40% credit will be given for impervious areas that drain to permanent structural controls which are designed to infiltrate, allow evapotranspiration or reuse stormwater runoff so that it will not be discharged from the property. The credit amount will be prorated based on the percent of the lot or tract that does not drain into the City's storm sewer system and the frequency of the storm even that can be retained on-site. Engineering documentation is required. It is the responsibility of the applicant to determine what percentage of the lot or tract does not drain to the City's storm sewer system. Annual self-reporting, including maintenance and inspection documentation is required. The following is the maximum allowable credit for the full retention of runoff based on the storm even frequency:

1. 20% for 1-year, 24-hour storm event*
2. 30% for 2-year, 24-hour storm event*
3. 40% for 5-year, 24-hour storm event*

* See City of Lewisville Drainage Criteria Manual for point rainfall amounts.

5. **Permanent Structural Controls Credit**

Up to a 40% credit will be given for impervious areas that are treated with BMPs

in the categories listed in Table 3. Engineering documentation is required to show that these BMPs are designed and constructed in accordance with City standards. Where no standards exist, the North Central Texas Council of Governments (NCTCOG) integrated Storm Water Management (iSWM) Technical Manual for Site Development Controls, as it exists or may be amended, shall govern. Annual self-reporting, including maintenance and inspection documentation is required.

Table 3: Permanent Structural Control Credit Tiers

Level	Maximum Credit	Permanent Structural Controls
Tier 1	40%	-Bioretention Areas -Enhanced Dry Swales -Enhanced Wet Swale -Organic Filter -Planter Boxes -Sand Filters /Underground Sand Filters -Infiltration Trench -Wet Ponds -Stormwater Wetlands
Tier 2	10%	-Grass Channel -Filter Strip -Dry Retention -Inlet Trash Collectors -Gravity (Oil-Grit) Separator

Permanent Structural Controls not included in Table 3 shall be submitted to the Administrator for review and approval.

6. Student Education Credit

A 10% credit will be given for impervious areas contained within public or private educational facilities for K-12 grades, where an average of one hour/student of age appropriate stormwater-related teaching is provided each year. Eligible topics include flood protection, public safety and environmental stewardship related to stormwater runoff. Annual self-reporting is required, and must specify the curriculums for the various grades, as well as the number of students reached.

7. Industrial Facility Credit

Industrial facilities in the City of Lewisville that are required by TCEQ to obtain coverage under the Multi-Sector General Permit (TXR050000) for stormwater discharges, or another applicable stormwater general permit (TXG110000, TXG 340000) or individual permit, may be eligible for a 5% credit applied to the Stormwater Utility Fee, if:

- (a) The industrial facility is consistently in compliance with all permit requirements;
- (b) Permit-required water quality testing results are consistently at or below their benchmark levels or permit-required effluent limits during each sampling event. For results that exceed benchmarks or effluent limits, appropriate actions, documented in the Stormwater Pollution Prevention Plan, must be

taken to reduce pollutant discharge. Continued elevated levels may result in suspension from the fee credit program;

- (c) Copies of the water quality test results are submitted to the City; and
- (d) A copy of the facility's annual compliance evaluation report and copy of the facility Stormwater Pollution Prevention Plan are provided to the City.

Facilities with a No Exposure Certification (NEC) also are eligible for the fee credit if compliance with all NEC requirements are maintained.

8. Properties within the Denton County #1 Levee Improvement District

A 25% Stormwater Utility Fee Credit shall be given to properties within the boundaries of the Denton County #1 Levee Improvement District (LID) for the mitigative effects of the levee, sump and pump station system that affords the City of Lewisville additional flood control capacity, as well as water quality and erosion control capabilities above what would be available without the system. This credit is applied automatically and does not require an application or annual renewal.



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Application for Stormwater Utility Fee Credit

Check One: Initial application Renewal application

Part I

A. Facility Information

1. Facility Name:

2. Physical Address of Facility

Street Number: _____ Street Name: _____ Zip Code: _____

3. Mailing Address - Same as physical address? Yes If No, provide information below:

Street Number: _____ Street Name: _____

City: _____ State: _____ Zip Code: _____

B. Applicant Contact Information

1. Name: _____ 2. Title: _____

3. Phone No.: () _____ Ext.: _____

4. Email Address: _____

C. Credits Applied For (check all that apply)

- Adopt-A-Spot** – submit information regarding proposed cleanup project, including location of area adopted.
- Parking Lot Sweeping** – submit map and schedule showing areas and frequency of sweeping to be accomplished.
- Detention or Retention Pond** – submit maintenance plan.
- Zero Discharge** – submit drainage study by licensed Professional Engineer.
- Permanent Stormwater Control** – submit as-built plans stamped by licensed Professional Engineer and maintenance plan.
- Student Education** – submit information regarding curriculum and student hours.
- Industrial Facility** – complete Supplemental Industrial Permit Information form and include all required attachments.

Part II Signature and Approval

I hereby certify that the information in this application, including all attachments and supplemental forms, is true to the best of my knowledge and acknowledge that any attempt to purposely supply incorrect information may result in denial of the credit application. I further understand the review of the documents submitted by me may take up to sixty (60) days to complete and that submissions which do not contain the correct information or that are otherwise incomplete will be delayed an additional sixty (60) days after the date the corrected or missing information is provided to the City.

Signature of applicant

Title

Date

Submit application and all attachments to:

City of Lewisville
Storm Water Division
P.O. Box 299002
Lewisville, TX 75029-9002
Attn: Stormwater Utility Fee Review

To be completed by City of Lewisville

Case No. _____ SW Acct. No. _____

Credits approved: _____ %

Approved by: _____ Date: _____



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Supplemental Industrial Permit Information Form

A. Facility Information

1. Facility Name:
(as listed on NOI or NEC)
2. TPDES Permit Number: _____ Primary SIC Code: _____ Industrial Sector: _____
3. Date Industrial Operations Began: _____ Date NOI or NEC filed with TCEQ: _____
(for current owner/operator)

B. Compliance with Current TPDES Stormwater Permit

Have all schedules of the current permit relating to monitoring, training, implementation of Best Management Practices (BMPs) and compliance with the Stormwater Pollution Prevention Plan (SWPPP) been met for the preceding 12-month period?

-or-

For Facilities with a No Exposure Certification (NEC), have all the no exposure requirements been met for the preceding 12-month period?

Yes No

If the answer is No, provide a summary description (on a separate page) of the current permit requirements/schedule that has not been met, cause for non-attainment, compliance schedule, and current efforts to complete this activity.

C. Attachments

All required attachments must be included for the application to be considered complete (not required for facilities with No Exposure Certification).

Attachment 1 A copy of the Stormwater Pollution Prevention Plan: Include records for spills, Best Management Practice (BMP) maintenance, training, employee education, periodic inspections, and quarterly visual monitoring for the previous 12-month period.

Attachment 2 A copy of the most recent Annual Comprehensive Site Compliance Evaluation Report.

Attachment 3 Annual Hazardous Metals Monitoring (Numeric Effluent Limitations)

Have you obtained a waiver from hazardous metals testing for all or a portion of the metals and outfalls? Waivers may be obtained on a metal by metal basis, or on an outfall by outfall basis.

A waiver has been obtained for all metals at all outfalls. Attach a copy of the signed waiver (form TCEQ-10425).

A waiver has been obtained for only a portion of the metals and/or outfalls. Attach a copy of the signed waiver (form TCEQ-10425) and a copy of your most recent results (use EPA form 3320-1).

A waiver has not been obtained. Attach a copy of your most recent results (use EPA form 3320-1).

Attachment 4 Benchmark Monitoring Report, if applicable

Not all facilities must conduct benchmark monitoring. No SIC codes in Sectors I, P, R, V, W, X, Z, AB, AC, or AD require benchmarking sampling.

Is Benchmark Monitoring required for your facility? Yes No

If yes, attach a copy of you most recent Report of Benchmark Monitoring Data submitted to TCEQ (form TCEQ-20091).