

Barrow County Stormwater Utility Credit Manual

April 2020



BARROW COUNTY
Georgia

Barrow County, Georgia
Stormwater Department
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<http://barrowga.org/departments/storm-water.aspx>

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DEFINITIONS

Best Management Practice (BMP): Schedules of activities, prohibitions of practices, 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.

Commercial: Any type of building other than residential.

County: Barrow County, Georgia, and (where applicable in context) its Board of Commissioners and employees.

County stormwater management system: All rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, headwalls, and other structures, natural or manmade, within the unincorporated political boundaries of the county that control or convey stormwater within the stormwater service area.

County-owned stormwater management system: Those segments of the county stormwater management system that are located within county property (including streets and rights-of-way), and in dedicated county-accepted drainage easements and stormwater facilities.

Credit: A reduction in the amount of a customer's stormwater service fee in recognition of a customer's efforts to mitigate the runoff impact that the property improvements (i.e. impervious areas) have on the County stormwater management system.

Customers: All persons, properties, and entities in the stormwater service area that are served by and/or benefiting from the stormwater utility's acquisition, management, maintenance, extension, and improvement of the county-owned stormwater management system and facilities and inspection, maintenance and regulation of other public and private stormwater management systems, facilities and activities related thereto, and persons, properties, and entities in the stormwater service area.

Detention Facility: A system that provides temporary storage of stormwater runoff with a designed release of the stored runoff over time to manage the discharge volume, rate, pollutant loading and/or velocity and mitigate the property's impact on the County stormwater management system.

Developed land: Any parcel that has more than 50 square feet of impervious surface located thereon.

Fiscal year: July 1 of a calendar year to June 30 of the next calendar year.

Georgia Stormwater Management Manual (GSMM): A document governing stormwater management activities in Georgia. This document serves as a comprehensive technical handbook for stormwater management design, construction and long-term maintenance.

Impervious surface: Hardened surface areas that either prevent or limit the natural entry of water into the underlying soil, resulting in stormwater runoff. Rooftops, buildings, streets, parking lots, sidewalks, asphalt, concrete, other paving, driveways, decks, patios, and artificial turf include, without limitation, examples of impervious surfaces.

Retention Facility: A system that provides storage of stormwater runoff, preventing release of a certain volume to a surface waterbody.

Runoff: Portion of stormwater, snow/ice melt, irrigation, and drainage that is collected in a stormwater management system that does not percolate into the ground.

Stormwater management system: Those systems, as further described herein, which address the issues of stormwater 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.

Stormwater service area: The unincorporated areas of Barrow County and any incorporated areas that have contractually assigned to Barrow County the responsibility of stormwater management within their boundaries.

Stormwater service fees: The annual fees established and imposed on owners of parcels or pieces of developed land to fund the costs of stormwater management services provided by the stormwater utility and the stormwater utility's operation, maintenance, and improvement of the county stormwater management system.

Residential: Any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

INTRODUCTION

This Manual outlines the methodology for the Barrow County Stormwater Utility customers to secure and maintain a potential Stormwater Utility rate credit for their property. A Stormwater Utility rate credit, or stormwater credit, represents a reduction in the customer's stormwater service fee. The credit is only applicable to instances where stormwater management best management practices (BMPs) are operated and maintained to reduce the impact of runoff from the subject property on the county stormwater management system or in recognition of activities undertaken by the customer to reduce the cost of operating the stormwater management program (SWMP).

BARROW COUNTY SWMP BACKGROUND

Barrow County has traditionally operated a Municipal Separate Stormwater Sewer System (MS4) to capture and convey stormwater runoff primarily in and around County owned streets and roadways. As the County population has grown, the MS4 has correspondingly grown. The State of Georgia has regulatory requirements for counties that operate MS4s. Due to the growth of the County's MS4 and additional regulatory burdens imposed via the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit, the County's Stormwater Management Program (SWMP) has expanded significantly in both scope of service and cost.

In order to address the need for additional funding to operate the County's SWMP and its associated program costs, an increase in tax allocations to the SWMP was needed or an alternate source of revenue needed to be identified. After evaluating the various options for funding the SWMP, the Board of Commissioners decided to implement a Stormwater Utility user fee system. Because the Stormwater Utility operates like any other utility service (such as water, sewer, sanitation, etc.), it is paramount that activities undertaken by the customer that reduce the demand on the MS4 / SWMP be recognized through an appropriate reduction in their bill.

STORMWATER USER FEE CREDITS

There are three categories of properties eligible for the stormwater credit as follows:

1. Residential properties with stormwater detention or retention facilities.
2. Commercial properties with on-site stormwater detention or retention facilities.
3. Properties used as a site for a public or private school, which teach a general environmental science curriculum that includes water protection measures.

User fee credits available to Stormwater Utility customers are summarized in Table 1.

TABLE 1. AVAILABLE CREDITS

Credit	Potential Stormwater Utility Credit
Detention / Retention Facility, Residential	40%
Detention / Retention Facility, Commercial	40%
Water Protection Education	40%

GENERAL POLICIES

Credits are only applied to eligible customers. Since the stormwater fee is being assessed on an individual customer basis, a group of customers cannot apply for a credit (with the exception of an HOA's application for a residential subdivision, in which case a successful credit will be applied to each parcel in the subdivision). An eligible customer shall be the legal owner of a property or the operator that has the primary responsibility for operation and maintenance of a qualifying stormwater BMP.

Stormwater Utility accounts must be current and paid in full for a credit application to be considered.

The maximum credit that an account may receive is 40% of the applicable fee.

DETENTION/RETENTION FACILITY CREDIT

1. Eligible Customers

Residential properties with stormwater detention or retention facilities that are designed to properly manage the stormwater runoff from impervious surface areas in accordance with the stormwater criteria described in the current edition of the Georgia Stormwater Management Manual (GSMM) are eligible for a stormwater credit. For the purposes of the credit in residential subdivisions, the detention or retention facilities must be located on common areas of the residential development or incorporated into an individual parcel platted within the subdivision and owned by the HOA. The credit will apply to the developed residential parcels within the development.

Commercial properties with on-site stormwater detention or retention facilities that are designed to properly manage the stormwater runoff from impervious surface areas in accordance with the stormwater criteria described in the current edition of the GSMM are eligible for a stormwater credit.

2. Automatic Approval

Sections 89-1190 and 89-1319(d) of the Barrow County Unified Development Code require that prospective developers submit plans and maintenance agreement documents that satisfy all the planning requirements for a fee credit. Accordingly, all residential and commercial properties that receive a development permit on or after July 28, 2015 will automatically be deemed eligible for the stormwater credit (subject to submission of proper application materials and adequate ongoing maintenance). Customers will still have to apply for a fee credit pursuant to this Manual.

All properties not automatically qualified as set forth in the preceding paragraph will need to apply for and receive approval of the credit as set forth in this Manual.

3. Inspections

The County may undertake periodic visual inspections of the BMPs being utilized to obtain a credit. If the BMP facility is found to be functional and being properly maintained, the credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the customer will have 30 days to correct the deficiencies, or the credit will be voided on the next

billing cycle. After voiding and before a credit is re-instated, the property owner will have to reapply for the credit as outlined in this Manual.

EDUCATION CREDIT

Properties used as a site for a public or private school, which school agrees to teach a general environmental science curriculum that includes water protection measures at the primary or secondary level, are eligible for a stormwater credit. Recommended water protection programs include the Water Wise Program, the River Kids Program, Enviroscape Program, GLOBE (Global Learning and Observation to Benefit the Environment) Program, or another such program approved by the Stormwater Manager that will result in expected water protection benefits to Barrow County as a result of teaching such program.

Prior to the application deadline each year, the superintendent or assistant superintendent of the Barrow County School System, or in the case of private schools or charter schools the chief executive officer of the school, shall certify to the County Stormwater Manager the water protection measures curriculum being taught in each school for which an educational credit is being claimed; the grade levels, number of students, and percentage of total students being taught; and the number of contact hours. For purposes of this educational credit, a public school shall be any school operated by (1) the Barrow County School District or (2) a corporation or other legal entity holding a charter for such school from either the Barrow County School District or the State Charter Schools Commission. A private school shall be a school operated by a private entity teaching some or all of the grades K through 12 at which are taught subject[s] commonly taught in the public schools operated by the Barrow County School District.

CREDIT APPLICATION PROCESS

The procedure for filing a credit application includes the following tasks:

- Obtain an application packet from the County Stormwater Department located at 30 North Broad Street, Winder, GA 30680 or download from the County website. A copy of the application packet is found as Exhibit A to this Manual.
- Submit the completed application with all sections appropriately answered, and all required information contained within or attached to the application. Incomplete applications will not be accepted by the County Stormwater Manager and will be returned to the customer for correction/revision.
- Within 30 days of receipt of the completed Stormwater Utility credit application the County Stormwater Manager will review the application and determine to grant or deny the credit. All decisions of the Stormwater Manager may be appealed to the County Manager and with a copy of the appeal sent to the County Public Works Director. All decisions of the County Manager shall be final. The applicant may appeal such determination by application for writ of certiorari before the superior court of Barrow County, filed within 30 days of the date of mailing the decision of the County Manager.
- If the credit application is approved, the County will put the stormwater credit into effect with the next billing cycle.
- The application deadline for each year is July 1. Applications submitted after the deadline will be processed during the next year's billing cycle.
- Applicants that obtain a credit for detention or retention facility(ies) shall not have to reapply annually for the credit but will be subject to periodic maintenance inspections.

APPENDIX A: CREDIT APPLICATION FORM

Stormwater Utility Credit Application / Reapplication Form

Section 1 General Information

Place a check next to the credit being applied / reapplied for with this form:

- Detention / Retention Facility, Residential
- Detention / Retention Facility, Commercial
- Water Protection Education

Customer Information

Name	
Mailing Address	
City, State, Zip Code	
Contact Telephone	
e-mail Address	

Property Information

Parcel ID Number or Subdivision Name	
Property Owner Name	
Property Street Address	
City, State, Zip Code	
Authorized Contact	

Certification

The above information is true and correct to the best of my knowledge and belief. (This form must be signed by the financially responsible person 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 entity). I agree to provide corrected information should there be any change in the information provided herein.

Type or Print Name

Title or Authority

Signature

Date

Section 2 Detention/Retention Pond Credit

A Licensed Engineer is required to complete this section

The Following Requirements apply for customers seeking a Detention/Retention Pond Credit:

Properties that received a development permit on or after July 28th, 2015
Section 1 of the Application Document
Operations & Maintenance Plan (See Appendix C of Manual)
Barrow County Stormwater Facility Maintenance Agreement (See Appendix B of Manual)
Properties that received a development permit before July 28th, 2015
Section 1 of the Application Document
Hydrology Report certified by the registered design professional certifying at bottom of page
Operations & Maintenance Plan (See Appendix C of Manual)
P.E. Certification (at bottom of this page)
Barrow County Stormwater Facility Maintenance Agreement (See Appendix B of Manual)

Engineer’s Certification:

I hereby certify that the detention/retention facility(ies) for the property listed in Section 1 of this application has (have) been designed to properly manage the stormwater runoff from impervious surface areas in accordance with the stormwater criteria described in the current edition of the Georgia Stormwater Management Manual (GSMM) and that the detention/retention facility(ies) is(are) in acceptable state of maintenance and repair. I further certify that the calculations, technical details and information provided accurately reflect the condition of the detention/retention facility(ies) at the time of my inspection. I further certify that I am a duly licensed professional engineer under the laws of the State of Georgia.

Type or Print Name

Georgia P.E. License Number

Signature

Date

Stormwater Utility Credit Application / Reapplication Form

Section 3 Water Protection Education Credit

Instructions: Applicants must provide adequate documentation to certify to Barrow County staff that the environmental science curriculum being taught provides adequate instruction on water protection issues. Applicants must summarize the documentation being submitted in the table below and attach all appropriate documentation. Please note that applicants must reapply for an educational credit by July 1 of each year.

Name of School: _____

Environmental Education Program	Grade Level(s)	Number of Students	Percent of Total Students	Contact Hours

Certification:

The above information is true and correct to the best of my knowledge and belief. (This form must be signed by the superintendent or assistant superintendent of the Barrow County School System or, in the case of a private school or charter school, by the chief executive officer of the school.) I agree to provide corrected information should there be any change in the information provided herein.

Type or Print Name

Title or Authority

Signature

Date

APPENDIX B: STORMWATER FACILITY MAINTENANCE AGREEMENT

**BARROW COUNTY
STORMWATER FACILITY
MAINTENANCE AGREEMENT**

This Stormwater Facility Maintenance Agreement, hereinafter called "Agreement", is made and entered into this ____ day of _____, 20____, by and between (Insert Full Name of Owner) _____, hereinafter called the "Landowner" as further defined below, and Barrow County, Georgia, hereinafter called the "County".

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property described as (Tax Map/Parcel Identification Number) _____ as recorded by deed in the land record of Barrow County, Georgia, Deed Book _____ Page _____, hereinafter called the "Property;" and

WHEREAS, the Landowner is proceeding to build on and develop the Property; and

WHEREAS, the Site Plan known as (Name of Plan/Development) _____, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be considered by the County, provides for detention of stormwater within the confines of the property; and

WHEREAS, the County and the Landowner, together with the Landowner's successors and assigns, including all owners of parcels within the Property after subdivision, (hereinafter collectively referred to as the "Landowner"), agree that the health, safety, and welfare of the residents of Barrow County, Georgia, require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the County requires that on-site stormwater management facilities as shown on the Plan be constructed and adequately maintained by the Landowner;

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan, as well as in accordance with State and Federal law, the Georgia Stormwater Management Manual, and any and all applicable County ordinances.
2. The Landowner shall adequately maintain the stormwater management facilities, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good condition so that these

facilities are performing their designed stormwater management functions in compliance with all County ordinances and regulations.

3. In addition to, and without in any way limiting any authority granted pursuant to Chapter 90 of the Barrow County Code of Ordinances, including Section 90-504, the Landowner hereby grants permission to the County, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities located thereon whenever the County deems necessary to assure safe and proper functioning of the facilities. The inspection may, to the extent the County deems necessary, cover the entire facilities, berms, outlet structure, pond areas, access roads, etc. The County shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence repairs if necessary.
4. In addition to, and without in any way limiting any rights and remedies granted pursuant to Chapter 90 of the Barrow County Code of Ordinances, including Section 90-504, in the event the Landowner fails to adequately maintain the stormwater management facilities in a manner acceptable to the County, the County may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report. The Landowner, its successors and assigns, including all owners of any parcel within the Property after its subdivision, shall be responsible for any and all fees and expenses incurred by the County in taking such corrective action, with the actual cost thereof assessed against the Landowner, its successors and assigns, including all owners of any parcel within the Property after its subdivision, in the same manner as tax levied against the Property. From the date of the taking of such steps, 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 the County. It is expressly understood and agreed that the County is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the County.
5. The Landowner will perform the work necessary to keep these facilities in good working order. In the event a maintenance schedule for the stormwater management facilities is outlined on the approved Plan, the schedule will be followed.
6. This Agreement imposes no liability of any kind whatsoever on the County, nor does the County assume any obligation or duty to undertake or perform any action allowed for, or permitted by, this Agreement, and the Landowner covenants and agrees to take and assume all responsibility for the operation and maintenance of the stormwater management facilities. The Landowner shall bear all losses and damages directly or indirectly resulting to it and/or the County on account of the operation and maintenance of the stormwater management facilities. Landowner shall defend, indemnify and hold harmless the County, its officers, boards, commissions, elected and appointed officials, employees, servants, volunteers and agents (hereinafter referred to as "County Parties") from and against any and all claims, injuries, suits, actions, judgments, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to, attorney's fees and costs of defense, (hereinafter "Liabilities") which may be the result of willful, negligent or tortious conduct arising out of the operation and maintenance of the stormwater maintenance

facilities operations by the Landowner, any subcontractor, anyone directly or indirectly employed by the Landowner or subcontractor or anyone for whose acts the Landowner or subcontractor may be liable, regardless of whether or not the negligent act is caused in part by any of the County Parties. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this provision. In any and all claims against the County or County Parties, by any employee of the Landowner, any subcontractor, anyone directly or indirectly employed by the Landowner or subcontractor or anyone for whose acts the Landowner or subcontractor may be liable, the indemnification obligation set forth in this provision shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Landowner or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. This obligation to indemnify, defend, and hold harmless the County and County Parties shall survive expiration or termination of this Agreement, provided that the claims are based upon or arise out of actions that occurred during the performance of this Agreement.

7. This Agreement shall be recorded among the land records of Barrow County, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs, and any other successors in interests, including all owners of any parcel within the Property after its subdivision,.
8. The Landowner agrees and covenants that it shall require as a part of any transaction conveying an interest in the Property that any successor, assign, and/or purchaser of the Property affirmatively agree in writing to fulfill all responsibilities under this Agreement and that the County Parties shall be deemed third-party beneficiaries of any such agreement.

WITNESS the following signatures and seals:

Landowner (seal)

By: _____

Its: _____
(Name and Title)

The foregoing Agreement was acknowledged before me this
____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires: _____
County of _____, Georgia

Witness: _____

County use below

.....

Barrow County, Georgia

By: _____

Its: _____
(Name and Title)

The foregoing Agreement was acknowledged before me this
____ day of _____, 20 ____.

NOTARY PUBLIC

My Commission Expires: _____
County of _____, Georgia

Witness: _____

**APPENDIX C: POND OPERATIONS & MAINTENANCE PLAN
EXAMPLES**

Operations and Maintenance Plan Stormwater Ponds

Applicant Information		
Site name: _____		
Owner Name: _____		
Last	First	M.I
Address: _____		
Street Address		
City	State	Zip Code
Phone: _____ Email: _____		
Parcel ID Number: _____		

Items and Status
Stormwater Pond Type: <input type="checkbox"/> Dry Pond <input type="checkbox"/> Wet Pond
<i>Inspection/Maintenance Frequency Key: A= annual, M= monthly, S= after major storms, AN = as needed</i>

Items	Inspection Frequency	Maintenance Frequency	Comments
Embankment and Emergency Spillway			
Vegetation healthy?			
Erosion on embankment?			
Animal burrows in embankment?			
Cracking, Sliding, bulging of dam?			
Drains blocked or not functioning?			
Leaks or seeps on embankment?			
Slope protection failure functional?			
Emergency spillway obstructed?			
Erosion in/around emergency spillway?			

Riser and Principal Spillway			
Low-flow orifice functional?			
Trash rack (Debris removal needed? Corrosion noted?)			
Sediment buildup in riser?			
Concrete/masonry condition (Cracks or displacement? Spalling?)			
Metal pipe in good condition?			
Control Valve operation?			
Pond drain valve operation?			
Outfall channels function, not eroding?			
Sediment Forebays			
Sediment description			
Sediment cleanout needed (over 50% full)?			
Permanent Pool Areas (If Applicable)			
Undesirable vegetation growth?			
Visible pollution?			
Shoreline erosion?			
Erosion at outfalls into pond?			
Headwalls and endwalls in good condition?			
Encroachment into pond or easement area by other activities?			
Evidence of sediment accumulation?			
Dry Pond Areas (If Applicable)			
Vegetation adequate?			
Undesirable vegetation or woody plant growth?			
Excessive sedimentation?			