

**A RESOLUTION ADOPTING AND APPROVING STORMWATER UTILITY CREDIT
MANUAL FOR THE CITY OF JOHNS CREEK**

WHEREAS, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

WHEREAS, the City Council of the City of Johns Creek has the power by resolution to assess and collect fees, charges and tolls for providing stormwater management services for the total cost to the City of providing or making said services available; and

WHEREAS, the City Council of the City of Johns Creek desires to exercise the above-stated powers to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater via a stormwater utility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council for the City of Johns Creek as follows:

Section 1. The Stormwater Utility Credit Manual is adopted as detailed in Exhibit "A" – Johns Creek Stormwater Utility Credit Manual - which is attached hereto and incorporated by reference as if fully set forth herein, in its entirety.

Section 2. If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of the Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

Section 3. All ordinances, resolutions or parts thereof in conflict with the terms of this Resolution are hereby repealed to the extent of the conflict.

Section 4. This Resolution shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO RESOLVED this 21st day of June, 2021.



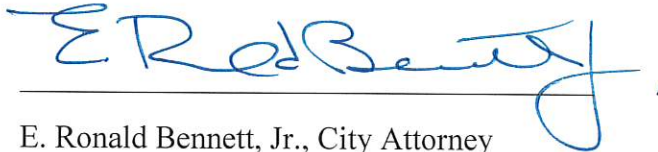
Michael E. Bodker, Mayor

ATTEST:



Allison Tarpley, City Clerk

APPROVED AS TO FORM:



E. Ronald Bennett, Jr., City Attorney



Exhibit “A”
Johns Creek
Stormwater Utility Credit Manual

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Section 1 – General Information

Stormwater Utility user fee credits are available to private and public entities that undertake specific stormwater management activities to reduce their impact/demand on the City's Stormwater Management Plan (SWMP) and the associated costs that would otherwise be expended by the City SWMP. If a customer enacts a specific credit activity that is approved by the City, then the customer will receive a credit on their annual stormwater user fee bill. Credits will be periodically reviewed by the City for compliance with the applicable standards in the City of Johns Creek Stormwater Utility User Fee Credit Manual (the Manual). Credits are given for both structural and nonstructural stormwater management activities and include, but are not limited to, the following: detention ponds, stormwater controls, best management practices (BMPs), education programs, watershed stewardship and other approved activities as determined/defined by the City.

The Manual outlines the criteria and procedures for the City of Johns Creek's Stormwater Utility customers to secure and maintain a stormwater user fee credit(s) for their property/customer account. An approved Stormwater Utility user fee credit will result in a reduction of the customer's annual stormwater user fee charge. Implementation of the credit activities by the customer should reduce the impact of stormwater runoff from the subject property on the City's stormwater management system, and corresponding cost to the City to provide SWMP services to that customer. The credit is only applicable for City approved stormwater BMPs, activities and/or programs that are properly designed, constructed (or implemented) and maintained in accordance with this Manual.

Definitions

The definitions included in the Stormwater Utility Ordinance and the City of Johns Creek Development Regulations are adopted herein by reference.

Georgia Stormwater Management Manual (GSMM): The GSMM is a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia. Access the following link to review the GSMM:

<http://atlantaregional.com/environment/georgia-stormwater-manual>

Summary of Stormwater User Fee Credits

Table 1 summarizes user fee credits available to Stormwater Utility customers. Please refer to the ensuing sections of this document for specific details on the various credits, policies and procedures. Per City policy, the maximum user fee credit a customer account can receive is **40%**. Private residential subdivisions can receive an extra 10% credit (maximum credit of 50%) on common area parcel(s) with private stormwater management systems and facilities that they maintain. 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, Private Stormwater System, or No Direct Discharge.

Table 1 – Stormwater User Fee Credit Summary					
Credit Description	Credit Term in Year(s)	Residential	Non-Residential	Maximum Prorated User Credit	Annual Report Required
<i>Georgia Stormwater Management Manual (GSMM) Unified Stormwater Criteria</i>					
Water Quality Volume	5	x	x	10%	Yes
Channel Protection	5	x	x	10%	Yes
Overbank Flood Protection	5	x	x	10%	Yes
Extreme Flood Protection	5	x	x	10%	Yes
Watershed Stewardship	1	x	x	10%	No
Septic Tank Maintenance	5	x	x	10%	No
No Direct Discharge	5	x	x	40%	No
Watershed Improvement Project	5	x	x	10%	No
Private Stormwater System	5	x		10%	Yes
Water Resources Education Program	5		x	10%	Yes
NPDES Industrial Stormwater General Permit Compliance	5		x	10%	Yes
Hot Spot BMP Implementation	5		x	10%	Yes

Stormwater User Fee Credit Policies

The City has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to applicable sections of the City Stormwater Utility Ordinances for additional guidance and requirements pertaining to the stormwater user fee credits.

- Applications for a stormwater user fee credit for existing facilities may be submitted to the City at any time. Credits approved by December 31 will be applied to the customer's stormwater bill the following calendar year.
- Applications for a stormwater user fee credit associated with new development (or redevelopment) sites may be submitted once the BMP is constructed, has been inspected and approved by representatives of the City, a maintenance agreement has been recorded, and the parcel has been recorded.
- Credits are only approved for (and applied to) eligible customers that meet applicable criteria as set forth in the Manual. The stormwater user fee is being assessed on an individual customer account basis as outlined in the City Stormwater Utility Ordinance. Therefore, credit applications must be made by the entity that is responsible for payment of the utility account.

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If the responsible entity for payment of Stormwater Utility user fee changes, the new customer must re-apply for the credit with the City regardless if the term has expired or is still active. The new customer may be able to rely on some (or all) of the information from a previous credit application package but it will be the responsibility of the applicant to verify the information within the submitted credit application package.

- A group of customers cannot apply for a credit except as stipulated below. An eligible customer is defined as a property or site that contributes stormwater runoff to the qualifying stormwater control and/or BMP located on the same property/site via natural and/or manmade conveyance systems. If a group of properties/sites are served by a BMP(s), then the credit can be applied to the customer on whose property/site which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another customer(s) for which the BMP(s) provides adequate treatment for the applicable credit, the City will consider application of the credit to all customers named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever occurs sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.
- A residential homeowner's association (HOA), or a common development, such as a subdivision, which has its own properly designed, constructed, and maintained stormwater BMP(s) should contact the Director or his/her designee to determine if the HOA members, or common development customers, are eligible for a credit. The HOA or common development representative shall provide list of membership or customers that should receive credit for participating in BMP maintenance. A Common Development means a contiguous area where multiple, separate, and distinct construction activities have taken or will be taking place at different times on different schedules under one plan development. 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 City owned property are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes. Please refer to the City's Stormwater Utility Ordinances for further clarification regarding the City's extent of service policy and its scope of responsibility.
 - For the purposes of awarding one of the GSMM credits, the credit being applied for must be met for the entire common development and must meet the GSMM criteria.
 - Any resulting GSMM credit awarded will be divided among eligible customers within the HOA or the common development.
 - For the purposes of awarding the Private Stormwater System credit, the credit will be applied to common area parcel(s) in private subdivisions where the private stormwater system is located.
- The City may, at its discretion, undertake periodic visual inspections of the BMPs and/or programs being utilized for stormwater user fee credits by customers to ensure compliance with the Manual. 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 City has the authority to void the credit on the next billing cycle. Before a credit is re-instated, the customer will have to reapply for the credit as outlined in this manual.

- The term of the credit varies based upon the credit type (see Table I for stormwater user fee credit duration). As such, the City will utilize an annual certification process for customer accounts that have secured a credit for multiple years. The purpose of the annual certification process will be to require the customer to certify that the existing credit that is in place still meets the criteria outlined in the Manual for the next billing cycle. Failure of the customer to certify his/her credit as required by the City policy could result in credit revocation for the next annual billing cycle. The City will develop the annual certification procedure and make it available to customers via the City website and other methods as deemed appropriate. However, it will be the responsibility of the customer to ensure compliance with the annual certification requirement.

Stormwater Utility User Fee Credit Application Procedures

The following is an overview of the stormwater user fee credit application procedures that a customer should follow to obtain and maintain credits. All of the credits in this Manual require an application, and some of the credit applications require engineering analysis to demonstrate and verify credit eligibility. The credits associated with engineering analysis are identified in the Manual along with the credit application forms. The City requires that these calculations be performed, signed, and sealed in accordance with the appropriate Georgia professional certification provisions outlined herein. The procedure for submitting a credit application generally includes the following tasks:

- Obtain a copy of the Credit Manual from the City and determine what (if any) credits the customer may be eligible to apply for and fill out the required application materials.
- If required by the credit, retain a Georgia Professional Engineer and/or Land Surveyor to perform the required engineering analysis or site survey.
- The Stormwater Utility customer seeking the credit must submit a complete application package to the City for review based on procedures outlined in the Manual. The completed credit application must have all sections appropriately filled out and all the required supporting documentation attached.
- The Director of Public Works or their designee, will review the application package for completeness and to establish if the request adheres to the applicable criteria in the Manual.
- Any stormwater management system designed and constructed within the City must adhere to the requirements set forth in the City's ordinances and applicable design standards, such as the GSMM.
- The City 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 City and will be returned to the customer for completion and/or revision.

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- The City may elect to perform an inspection of the customer's site and proposed activity, or to review the non-structural practice being implemented, to ensure conformance to the Manual criteria. As such, the customer must grant the City a Right-of-Entry or access easement as part of the application and approval process. During the credit term outlined in the Manual, the City may elect to conduct follow up or periodic inspections of the site and credit activities to ensure continued compliance with applicable requirements.
- 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 City.
- Approved credits will result in a corresponding credit to the customer's annual stormwater user fee.
- Stormwater user fee credits are issued to individual customer accounts per the policy outlined herein.

Section 2 – 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 user fee credit.

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

1. GSMM Unified Stormwater Sizing Criteria
 - *Management of the Stormwater Water Quality Volume*
 - *Management of the Stormwater Channel Protection*
 - *Management of the Stormwater Overbank Flood Protection*
 - *Management of the Stormwater Extreme Flood Protection*
2. Watershed Stewardship
3. Septic Tank Maintenance
4. No Direct Discharge
5. Watershed Improvement Project
6. Private Stormwater System
7. Water Resources Education Programs
8. NPDES Industrial Stormwater General Permit Compliance
9. Hot Spot BMP Implementation

Unified Stormwater Sizing Criteria

Eligible Customer Classes: Residential and Non-Residential

Credit Description

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 are 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 four stormwater runoff treatment levels associated with the unified stormwater sizing criteria include water quality volume, channel protection, overbank flood protection and extreme flood protection. Table 2 presents each treatment level with a description of each, as provided in the GSMM.

Table 2 – Unified Stormwater Sizing Criteria		
Treatment Level	Maximum Available Credit	Criteria Description
Water Quality Volume	10%	<p>The applicant shall choose (i) Runoff Reduction and additional water quality shall not be required. To the extent (i) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (ii) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.</p> <ul style="list-style-type: none"> i. Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable. ii. Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event. <p>If a site is determined to be a hotspot as detailed in Section 109-79(b), the City of Johns Creek may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.</p>
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%	Provide peak discharge control of the 100-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce extreme event flooding.

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- The criteria description for each stormwater runoff treatment level is in accordance with information published in the GSMM.
- BMPs designed prior to adoption of the Credit Manual designed to meet item (ii) Water Quality in accordance with the Development Regulations in place at the time of construction shall qualify for Water Quality Volume Credit if sufficiently documented as specified below.
- A 10% credit off the stormwater user fee charge per the unified stormwater sizing criteria element may be available for a period of five years.
- This credit is not available for any portion of a parcel where a No Direct Discharge credit was secured unless otherwise approved by the Director or his/her designee.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Unified Stormwater Sizing Criteria user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or demonstrating compliance with the requirements and criteria outlined herein.

Documentation in the hydrology report shall include, but not necessarily be limited to the following:

- Facility site plan with stormwater facilities/controls with delineated drainage areas.
- Description of stormwater control facilities.
- Appropriate pages from Volume 2 of the GSMM (latest version) identifying design requirements for each on-site stormwater control.
- Documentation that the stormwater control facilities meet one or more criteria for the stormwater user fee credit(s).
- Appropriate professional certification(s).
- Pertinent regulatory compliance documentation, if applicable.
- Completed Right-of-Entry Agreement.
- Maintenance Agreement per the requirements of this Manual.
- Other pertinent information to support the user fee credit request.

STEP 3: The customer shall submit the user fee credit application, an executed Right-of-Entry Agreement and a Maintenance Agreement (if an agreement does not already exist) for the site stormwater BMPs/controls to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer may reapply for the credit every five years after the initial approval. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not

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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 then the City may request that the design information be updated to document compliance with the Manual criteria.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

Watershed Stewardship

Eligible Customer Classes: Residential and Non-Residential

Credit Description

Stormwater Utility customers are eligible for a stormwater user fee credit if the residential and/or non-residential customer participates in a City approved local watershed stewardship event. Eligible events are set up, organized, and executed through a partnership with the City. There shall only be one stormwater user fee credit certificate issued per customer account.

In general, eligible watershed stewardship activities will include community programs such as Adopt-A-Stream, City approved Rivers Alive Great American Cleanup Day (or other City approved stream clean up events), and City approved Adopt-A Road events that require participation in at least one event per year. Other eligible credit programs may be added in the future, but customers should verify activity eligibility with the Director or his/her designee in advance.

- A credit of up to \$4.00 per participant off the stormwater user fee charge may be available for the Watershed Stewardship Credit for a period of one year. For residential parcels, the participant must live on the parcel receiving the credit. For non-residential parcels, the participant must either work at the business located on the parcel or live in the apartment complex located on the parcel. Proof of residency or employment must be provided at the time of registration. The maximum value of the credit allowed for a parcel is 10% of the user fee.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Watershed Stewardship:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the appropriate documentation which shall include but not be limited to the following:

- Certificate of Attendance for the City's Watershed Stewardship Program event. (Copy of approved Sign-in sheet). Attendance at events not sponsored by the City may not be transferable to the City's stormwater user fee credit program, unless approved by the Director or his/her designee.
- Approved sign-in sheet includes event name and date, participant's printed name and signature or initials of participant, address of parcel/property participant is representing, and signature of event supervisor.

STEP 3: The customer shall submit the credit application, complete with the relevant supporting information, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was denied.

The customer will need to participate in the watershed stewardship events annually to receive a

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certificate each year. The stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Septic Tank Maintenance

Eligible Customer Classes: Residential and Non-Residential

Credit Description

Residential and non-residential customers are eligible for a stormwater user fee credit if the customer conducts approved maintenance activities on existing septic systems located on the customer's property. Stormwater Utility customers with septic systems can receive a credit by having their septic tanks pumped out on a regular basis (minimum of once every five years). Customers would be eligible to receive the credit for the period of five years after the septic tank was pumped out. The customer must submit documentation to the City in the form of a receipt from a properly licensed hauler of septic wastes.

It is the customer's responsibility to confirm that the hauler has secured the required State and/or local permits and license to haul and dispose of septic wastes. Contractor must be on the Fulton County Health Department's list of contractors. (<https://fultoncountyhealthdept.com/environmental/hstssewage>).

Customers may re-apply for this credit at the end of every five-year term. The septic system maintenance credit will be applied to the customer applying for the stormwater user fee credit. There shall only be one stormwater user fee credit issued per customer account in which regular maintenance is conducted on the septic system and it shall only be good for a period of five years. It is the customer's responsibility to contact a licensed hauler of septic wastes and submit the necessary documentation that the septic system maintenance has been conducted.

- A 10% credit off the stormwater user fee charge would be available for five years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for septic system maintenance:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall secure the pertinent documentation from a licensed hauler of septic waste. For the purposes of securing a credit, a receipt from the hauler will be sufficient if the receipt contains the date the maintenance was performed (provided it is within 12 months of the date of the application for a credit unless otherwise approved by the City), the address of the property matching the address on the stormwater user fee credit bill and the name of the company performing the work. Contractor must be on Fulton County Health Department's current list of contractors. (<https://fultoncountyhealthdept.com/environmental/hstssewage>).

STEP 3: The customer shall submit the credit application, complete with the necessary, documentation, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

Renewal of the stormwater user fee credit every five years shall be in accordance with the criteria outlined in this Manual. In order to maintain eligibility for the credit during the credit term, the customer shall continue to maintain the septic tank in good working order.

No Direct Discharge

Eligible Customer Classes: Residential and Non-Residential

Credit Description

A property or site that does not contribute stormwater runoff to the City's public drainage system either directly or indirectly shall be eligible for a No Direct Discharge stormwater user fee credit, if it meets the criteria outlined in this Manual.

The No Direct Discharge credit is typically available to those residential and non-residential property owners (or customers) who can demonstrate that the following condition exists with regard to their property or site:

- Stormwater runoff after leaving the property does not drain/discharge to a City owned drainage facility and/or system and ultimately drains/discharges to the drainage system of another local government such that the site discharge never flows through the City of Johns Creek public drainage system at any point downstream. The situation where this type of condition would most likely exist is for properties that abut the City limits and stormwater runoff discharges into another County, another municipality, or into the Chattahoochee River. This credit does not apply to discharges to tributaries of the Chattahoochee River.
- A credit of up to 40% off the stormwater user fee charge may be available for No Direct Discharge for a period of five years. The total credit may be reduced if only a portion of the site drains to the City's public drainage system. For example, if half the customer's property drained to City of Johns Creek's system and half drained to another jurisdiction's system, the customer may be eligible for a 20% (or half of 40%) credit off their stormwater user fee charge.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for No Direct Discharge:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City 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 based drainage map prepared by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the Director or his/her designee.
- STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City

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will send a letter to the customer explaining why the credit application was not approved.

Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Private Stormwater System

Eligible Customer Classes: Residential

Credit Description

A private residential subdivision's common area parcel(s) with private stormwater management systems and facilities that are maintained by a residential homeowners association (HOA) and convey stormwater runoff from outside the subdivision in the system shall be eligible for a Private Stormwater System stormwater user fee credit, if it meets the criteria outlined in this Manual.

The Private Stormwater System credit is available to a private residential subdivision HOA that can demonstrate that the following conditions exist with regard to their property or site:

- The common area parcel is owned by a private residential subdivision HOA.
- The common area parcel contains a private stormwater management system or facility as defined in Section 1.03 of the Stormwater Utility Ordinance.
- The residential subdivision HOA is responsible for the operation and maintenance of the private system.
- The private drainage system must collect stormwater runoff from property outside the residential subdivision and convey this flow in their private system.
- An additional credit of 10% (a maximum of 50% when combined with additional credits) off the stormwater user fee charge may be available for a period of five years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Private Stormwater System:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information pertaining to the private stormwater management systems and facilities on their property to include, 1) a map of the system indicating the location and stormwater management types of structures, conveyances, and facilities. 2) A drainage area map delineating the drainage area outside of the subdivision that drains into their private system. This information should be documented in the form of a topographical based drainage map prepared by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the Director or his/her designee. 3) Customer shall also provide documentation (typically, recorded subdivision covenants) showing HOA responsibility to maintain the system and HOA is an active/incorporated private homeowners association, and 5) the HOA owns the parcel(s).

STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer

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billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. The report shall include inspection reports and maintenance reports completed on the system during the year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management.

Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Watershed Improvement Project

Eligible Customer Classes: Residential and Non-Residential

Credit Description

Stormwater Utility customers are eligible for a stormwater user fee credit, if the customer can demonstrate participation (in terms of providing easement or right-of-way) for City-initiated improvement projects impacting private property.

- Project must be approved by the City and received required local, State and Federal permits.
- Project must be part of City's Watershed Improvement Plan, within City's maintenance responsibilities, or approved by Director or his/her designee as providing water quality or quantity improvement for the watershed.
- A one-time credit may be available to an affected parcel equal to 10% of the parcel user fee for five years to help encourage participation in the project.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Watershed Improvement Project user fee credit:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide documentation supporting participation in approved City Watershed Improvement Project. If applicable, customer shall provide a hydrology report prepared by and sealed by a Georgia Professional Engineer or demonstrating compliance with the requirements and criteria outlined herein. If applicable, customer shall provide maintenance plan associated with easement or right-of-way.

STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain eligibility for the credit, the customer shall continue to conduct maintenance as per the maintenance plan provided with the original application, if applicable. This stormwater user fee credit cannot be renewed.

Water Resources Education Program

Eligible Customer Classes: Non-Residential (Public and Private Education Institutions)

Credit Description

The City encourages and supports the efforts of both public and private education institutions to educate and inform the public on the importance of water conservation and water resources issues. In an effort to further encourage this type of educational activity, the City offers a stormwater user fee credit to eligible customers that meet the criteria outlined in this Manual. For the purposes of this manual "eligible schools" will be limited to Schools, Postsecondary Institutions, Daycare and Pre-K as defined below:

- School – A school as defined by Official Annotated Code of Georgia Code § 20-2-690, recognizes the existence of public schools and private schools as educational entities.
- Postsecondary Institutions – Postsecondary educational institutions are defined in the Official Annotated Code of Georgia Code § 20-3-519.7.
- Daycare – The Georgia Department of Early Care and Learning defines and has jurisdiction for the licensing and registration for Group Day Care and Child Care Centers.
- Pre-K – The Georgia Department of Early Care and Learning is authorized to administer the Lottery funded Georgia Pre-K program and defines its authority over these programs.

The Water Resources Education Program credit shall be made available to all non-residential public or private institutions that meet the criteria set forth herein and that perform approved educational activities as part of their day-to-day operations. Approved credit applications will result in the award of a credit to the parcel's stormwater user fee. The per-parcel credit may not total more than 10% and credit may only be applied to the property where the educational activities are taught. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with the educational facility, or warehouse/facility operations related parcels.

In order to be eligible for this credit, the education program must be consistent with the City's stormwater management program and must also be pre-approved by the Director or his/her designee.

- The program should address stormwater runoff/pollution prevention, stormwater quantity management, water quality, water conservation, and/or recycling.
- A 10% credit off the stormwater user fee charge may be available for the Water Resources Education credit for a period of five years.

Stormwater User Fee Credit Application Procedures

The following information shall be provided to the City in order to receive approval of the Water Resources Education Program credit:

STEP 1: Obtain a Manual and credit application packet from the City.

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STEP 2: The customer shall provide documentation supporting participation in approved Water-Resources Education Program. Documentation shall include, but not necessarily be limited to the following:

- Documentation that the State recognizes the customer as an eligible school/education institution.
- The person responsible for the customer account shall certify to the City's Stormwater Utility Manager that a water resources based curriculum is being taught at the facility and the details regarding the program.
- Name of the customer applying for the credit.
- Address of site (property) and the point of contact.
- Number of participants that have been taught the approved curriculum.

STEP 3: The customer shall submit the user fee credit application, complete with relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, it will be applied starting with the next customer billing cycle. If the City representative does not approve of the application, the City will send a letter to the customer explaining why the credit application was not approved.

Renewal of the stormwater user fee credit every five years shall be in accordance with the procedures outlined in this Manual.

In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

NPDES Industrial Stormwater General Permit Compliance

Eligible Customer Classes: Non-Residential

Credit Description

Customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements for industrial facilities. Implementation of the applicable compliance requirements assists the City in addressing water quality impairment issues at the source prior to discharge into the City's publicly owned drainage system and/or State Waters. If the 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 City to secure a credit.

- The credit amount available for NPDES Industrial Stormwater General Permit compliance would be 10% off the stormwater user fee charge for a period of one year.
- Properties that operate a facility that must secure coverage per its Standard Industry Code (SIC) under the NPDES Industrial Stormwater General Permit 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 or the following link: <https://epd.georgia.gov/forms-permits/watershed-protection-branch-forms-permits/storm-water-forms/npdes-industrial-storm>

Stormwater User Fee Credit Application Procedures

The following requirements will apply for customers who qualify for an NPDES Industrial Stormwater General Permit stormwater user fee credit:

STEP 1: Obtain a Manual and credit application package from the City.

STEP 2: The customer shall complete the application and include the required documents that verify compliance with the NPDES Industrial Stormwater General Permit. At a minimum, the documentation attached to the credit application shall include the following items below:

- Customer address and facility point of contact
- Copy of the current NPDES Industrial Stormwater Permit Notice of Intent (NOI)
- Copy of the annual report of compliance
- Copy of SWP3
- Certification by the responsible party/permit holder that the NOI is current and the SWP3 is being implemented
- Executed Right-of-Entry Agreement

STEP 3: Once the application package is complete, the customer shall submit the application to the City for review.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the

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City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit every five years shall be in accordance with the procedures outlined in this Manual.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Hot Spot BMP Implementation

Eligible Customer Classes: Non-Residential

Credit Description

Stormwater runoff hotspots are generally defined as land uses and site activities that could potentially generate higher levels of non-point source pollutants (such as oil and grease, hydrocarbons and/or metals) than would typically be found in stormwater runoff. Sites and facilities may be defined as "hotspots" but may not be required to secure coverage under the NPDES Industrial Stormwater Permit (or other applicable permits) due to the site's industrial classification. This credit is intended to encourage industrial and commercial site operators to address the discharge of stormwater pollutants from their site through the use of hot spot or proprietary BMPs.

For the purposes of this Manual, the City would generally consider following land uses and site activities as hotspots that would have an increased potential for stormwater runoff pollution.

- Gas Station and Fueling Operations
- Large parking lots with more than 200 parking spaces
- Vehicle and Truck Maintenance Areas
- Vehicle Washing and Equipment Cleaning
- Vehicle and Truck Recycling Facilities
- Outdoor Material Storage Areas
- Loading and Transfer Areas
- Other sites as defined in the GSMM

The customer would be responsible for conducting the necessary site assessment activities and the selection of the most appropriate BMP to address the potential pollutants that could originate onsite. The types of BMP devices that would likely be applicable to the land uses and site activities outlined above would include the following:

- oil/water separators;
- oil/water/grit separators;
- sand filters; and
- other appropriate devices/BMPs.

The general design criteria should be in accordance with standard industry practices for the BMP device or as stipulated by the manufacturer. The site operator and/or owner should consult with the City and secure the necessary approvals regarding the ultimate discharge point of the treated runoff (i.e. sanitary sewer, site detention pond, City drainage system, etc.), prior to commencement of the design process to ensure that applicable regulatory and local City code requirements are followed.

- A 10% credit off the stormwater user fee charge may be available for a Hotspot BMP credit for a period of five years.
- This credit is available only to those customers that are not otherwise required to secure

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coverage under the NPDES Industrial General Permit.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Hot Spot BMP Implementation user fee credit:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide appropriate information and prepared by a Georgia Professional Engineer or by a qualified professional, demonstrating compliance with the Manual criteria as well as the applicable local and State regulations.
- STEP 3: The customer shall submit the user fee credit application, an executed Right-of-Entry Agreement and a maintenance plan for the BMPs/devices to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer may reapply for the credit every five years. If a customer is reapplying for a Hot Spot BMP 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 operations has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. In order to maintain the credit during the credit term, the customer shall send a copy of an annual report of compliance to the Director or his/her designee each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Section 3 – Stormwater User Fee Credit Forms

Stormwater 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 – Stormwater User Fee Credit application
- Appendix B – Right-of-Entry Agreement

APPENDIX A

Stormwater User Fee Credit Application Form

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Stormwater User Fee Credit Application**

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Instructions:

Fill out this form completely. An application must be submitted for each customer account. Follow the steps outlined in the applicable section of this Manual. Attach all appropriate documentation to support this request, as outlined herein.

Fill out and attach appropriate documentation. Mail or hand-deliver completed application with required documentation to:

City of Johns Creek
Department of Public Works
Attn: Stormwater Utility Manager
11360 Lakefield Dr.
Johns Creek, GA 30097

I hereby request City of Johns Creek to review this application for a stormwater credit(s). I further authorize the City to investigate the site characteristics of the identified parcel for the purpose of evaluation for a stormwater credit(s). I certify that I am authority to make such a request and grant such authority for City staff to evaluate this property for the purposes of approving or denying the requested credit. 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.

Type or print name of Applicant

Type or print name of Property Owner

SW Utility Account No.

Signature of Applicant

Date

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual but a government entity, religious institution, corporation or LLC, then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

Approval:

SW Utility Manager

Date

SW Utility Account No

Stormwater User Fee Credit Application – Page 2

Place a check next to the credit being applied for with this application:

✓	Credit Type	Applicability/Requirements
	Unified Stormwater Sizing Criteria	
	<i>Water Quality</i>	Residential/ Non-residential
	<i>Channel Protection</i>	Residential/ Non-residential
	<i>Overbank Flood Protection</i>	Residential/ Non-residential
	<i>Extreme Flood Protection</i>	Residential/ Non-residential
	Watershed Stewardship	Residential/ Non-residential
	Septic Tank Maintenance	Residential/ Non-residential
	No Direct Discharge	Residential/ Non-residential
	Watershed Improvement Project	Residential/ Non-residential
	Private Stormwater System	Residential
	Water Resources Education Program	Non-residential
	NPDES Industrial Stormwater Permit	Non-residential
	Hot Spot BMP Implementation	Non-residential

Customer Information:

Customer Name:
SW Utility Account Number:
Mailing Address (number and street):
Mailing Address (City, State and Zip):
Contact Phone Number:
Contact E-mail Address:

Property Information:

Parcel Address (number and street):
Parcel Address (City, State and Zip):
Parcel Identification Number:
Parcel Location/Name of Development:
Authorized Property Owner Contact: (if different than Customer Information above)

APPENDIX B

Right-of-Entry Agreement

City of Johns Creek Right-of-Entry Agreement

STATE OF GEORGIA, FULTON COUNTY

I/We _____, the owner and/or tenant (circle which one or both) of the property commonly identified as _____, City of Johns Creek, Fulton County, State of Georgia, do hereby grant and give freely and without coercion, the right of access and entry to said property to City of Johns Creek, 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 the _____ (hereinafter "facility") located on Land Lot _____ in City of Johns Creek, Georgia.

The undersigned agrees and warrants to waive and hold harmless City of Johns Creek, its agents, employees, 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 City of Johns Creek, its agents, employees, contractors and subcontractors, pursuant to this Agreement.

In consideration of this Right-of-Entry Agreement and the rights granted to City of Johns Creek herein, the receipt and sufficiency of which is hereby acknowledged, City of Johns Creek agrees, to perform only visual evaluations, and review pertinent facility records and information, necessary to verify stormwater user fee credit eligibility. I/We, will not/have not receive(d) any compensation for this Right-of-Entry Agreement.

For the considerations and purposes set forth herein, I set my hand this _____ day of _____ 20

Operator or Owner (identify which one)

Witness

Address

Notary

Address

My Commission Expires

City Acknowledgement:

SW Utility Manager

Date