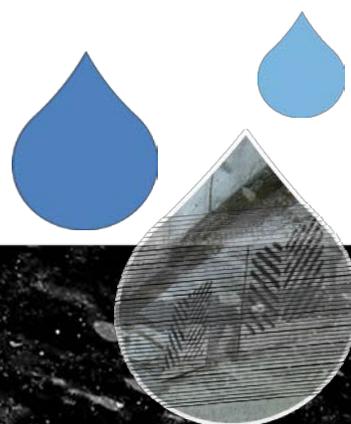


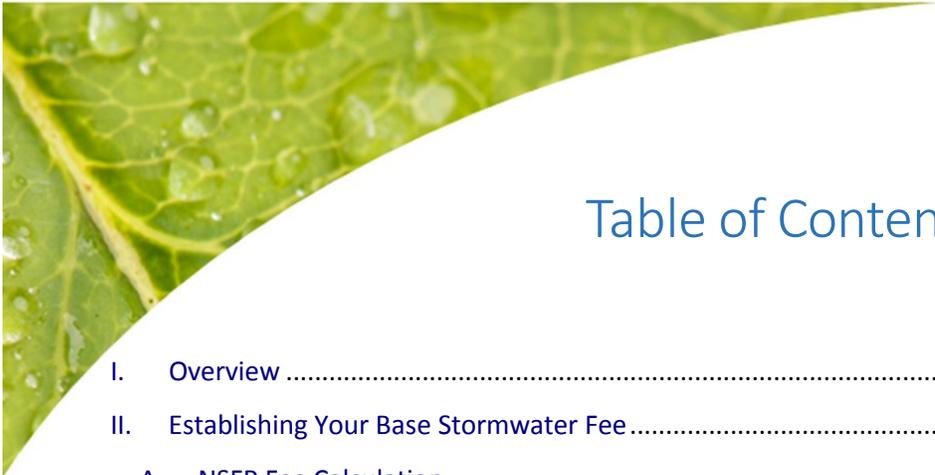


# MARYLAND STORMWATER FEE REDUCTIONS

## **Baltimore City Customer Guidance Document:**

### Non-Single Family Property





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## I. Overview

In 2012, the Maryland Legislature passed a law mandating that the 10 largest jurisdictions in the state, including Baltimore City, establish a stormwater fee. In 2015 the legislature allowed those jurisdictions decide how they wished to fund their stormwater management programs, and the City continues to utilize the fee. The fee provides a sustainable, dedicated revenue source for maintaining, operating, and improving the City's stormwater management system, with the ultimate goal of reducing flooding and erosion, and keeping our waterways cleaner.

The City's stormwater fees are based on the amount of impervious area on a property. Impervious surfaces, like sidewalks and driveways, block water from infiltrating the ground. They cause increased runoff, overload the drainage system, and transport pollutants and nutrients to bodies of water.

Maintaining the stormwater management system and reducing the nutrients and other pollutants are the primary expenses of the program.



### EXAMPLES OF IMPERVIOUS SURFACES

These surfaces do not allow water to infiltrate the ground and cause flooding and pollution in our waterways.

## II. Establishing Your Base Stormwater Fee

### A. NSFP Fee Calculation

The City has measured the impervious surface area of each property to determine the base stormwater fee. This base fee is the maximum amount that a customer may be charged before any reductions or credits are applied. Non-single family residential properties (NSFPs) are charged based on the number of units of impervious area that are on the property. The unit of measurement is known as an Equivalent Residential Unit (ERU) and is based on the impervious area of a typical single family residential property, within the City.

An ERU is 1,050 square feet. ERU calculations are rounded to the nearest whole number; the minimum ERU calculation is 1 ERU. NSFPs are charged \$6.50 per ERU per month.

### EXAMPLE 1: CALCULATING YOUR STORMWATER FEE



### COMMERCIAL/INDUSTRIAL PROPERTY

IMPERVIOUS AREA MEASUREMENT: 512,521 sf

#### ERU CALCULATION:

$$512,521 \text{ sf} / (1,050 \text{ sf} / \text{ERU}) = 488.1 \text{ ERUs}$$

Round to 488 ERUs

#### MD STORMWATER FEE (BASE):

$$488 \text{ ERUs} * (\$6.50 / \text{ERU} / \text{month}) = \$3,172 / \text{month}$$

Note: Image used for demonstration purposes only and does not reflect actual stormwater fee account information.

To find the impervious area measurement and ERU calculation for your property, please check the Fee Finder which is available at [PublicWorks.BaltimoreCity.gov](http://PublicWorks.BaltimoreCity.gov). You can also contact the Customer Support and Services Division at (410) 396-5398 for your impervious area measurement, if site conditions have changed, or if the Fee Finder's measurement does not reflect the actual impervious area on your property.

## B. Account Management

Property owners are charged the stormwater fee on their monthly water bills. If a property does not receive water service, then the owner will receive a bill showing a stormwater only (SWO) account.

On properties with multiple water accounts, the property owner may request reappportioning the stormwater fee among the accounts.

Properties that are consolidated as provided by law will be treated as one (1) property.

### EXAMPLE 2: REAPPORTIONING THE STORMWATER FEE TO MULTIPLE ACCOUNTS



Note: Image used for demonstration purposes only and does not reflect actual stormwater fee account information.

## COMMERCIAL/INDUSTRIAL PROPERTY

**SCENARIO:** Each building is occupied by a different tenant. Four active water meters (accounts) service the property.

**TOTAL ERUS:** 488

**BASE FEE:** \$3,172 / month

The base fee will initially be distributed equally to each of the accounts.

The property owner requested that the charges should be redistributed as shown as follows:

Account	Default Split		Requested Split	
	ERU	Fee	ERU	Fee
1	122	\$793	18	\$270
2	122	\$793	72	\$468
3	122	\$793	276	\$1,794
4	122	\$793	122	\$793

Note that all fee reductions and credits will be applied to the base fee of the property and distributed similarly to the accounts.

## C. Exemptions Based on Property Ownership

There are some cases where a property may have exempted impervious surface types, and therefore have a lower base fee.

### 1. Veterans Organization

A veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code is exempt from being charged a stormwater remediation fee.

### 2. Hardship

An exemption from the stormwater remediation fee may be granted to a charitable, nonprofit organization that experiences a financial hardship as a result of the stormwater remediation fee.

1. To qualify for a hardship exemption, an organization must document the following conditions:
  - a. Exemption from taxation under § 501(c)(3) or (d) of the Internal Revenue Code;
  - b. Total, annual stormwater remediation fee must exceed 0.75% of total, annual revenue, including any discounts or credits received pursuant to sections (III) or (VI);
  - c. Total, annual revenue must not exceed \$1,000,000; and
  - d. Ownership of the property or a copy of the current landlord/tenant lease agreement demonstrating that the organization is responsible for stormwater remediation fee charges.
2. In addition to the above documentation, the organization must:
  - a. Submit a written, alternative compliance plan to the Department for review; and
  - b. Receive approval of the alternative compliance plan from the Department.
3. Upon approval of the alternative compliance plan, the organization must initiate implementation of the plan within one (1) year of receiving initial approval of the hardship exemption.
4. The organization must re-certify its eligibility for the hardship exemption on an annual basis, including proof that the organization is implementing its approved alternative compliance plan. Failure to recertify eligibility or to document implementation of an approved alternative compliance plan shall remove the organization from the hardship exemption.

Please refer to the guidance document, "Hardship Exemption and Alternative Compliance Program" for more information and application form. It can be found at <http://publicworks.baltimorecity.gov/stormwater-fee> or by calling the Customer Support and Services Division at (410) 396-5398.

### 3. Exemptions Based on Site Condition

There are some cases where a property may have exempted impervious surface types, and therefore have a lower base fee.

Some site conditions that would otherwise be considered as impervious surface may be exempt from the stormwater fee. Site conditions eligible for exemption include:

- Gravel used for landscaping, decoration, or ground stabilization, but not compressed by pedestrian or vehicle traffic.

- Gravel used as ballast for railroads.
- Rooftop or pavement where drainage is permitted by the Department to directly connect to the public wastewater system under a wastewater discharge permit.
- Streets that are privately maintained and open to the public, in lieu of public streets, in single-family residential communities or in cemeteries.
- Any portion of a property where caps or other impervious surfaces are required to encapsulate a recognized Superfund area or to protect subterranean structures, as required by the State of Maryland or the U.S. Environmental Protection Agency.
- The portion of ground underlying a solar panel which excludes the foundation and base of the solar panel device, provided that the ground surface is stabilized with vegetative cover or a gravel bed.
- Any portion of a deck that is not directly touching the ground surface, is constructed with gaps between the boards, and where the ground underneath is stabilized with vegetative cover or a gravel bed.

Property owners wishing to receive an exemption for a property or portion of a property that has one or more of the conditions listed above must notify the Department that the site condition exists and, where necessary, provide documentation that enables the City to confirm the site condition. Customers may use the image shown on the Fee Finder to illustrate what portions of impervious area may be eligible for the exemption. The application described in Section IV allows customers to notify the City of these site conditions, if they exist.

### EXAMPLE 3: SITE CONDITION EXEMPTION CALCULATION



## COMMERCIAL/INDUSTRIAL PROPERTY

IMPERVIOUS AREA MEASUREMENT: 512,521 sf

TOTAL ERUS: 488

BASE FEE: \$3,172/month

ADJUSTMENT DUE TO EXEMPTIONS:

Gravel used for landscape: 1,020 sf

Area covered by solar panels: 10,344 sf

Total Adjustment: 11,364 sf

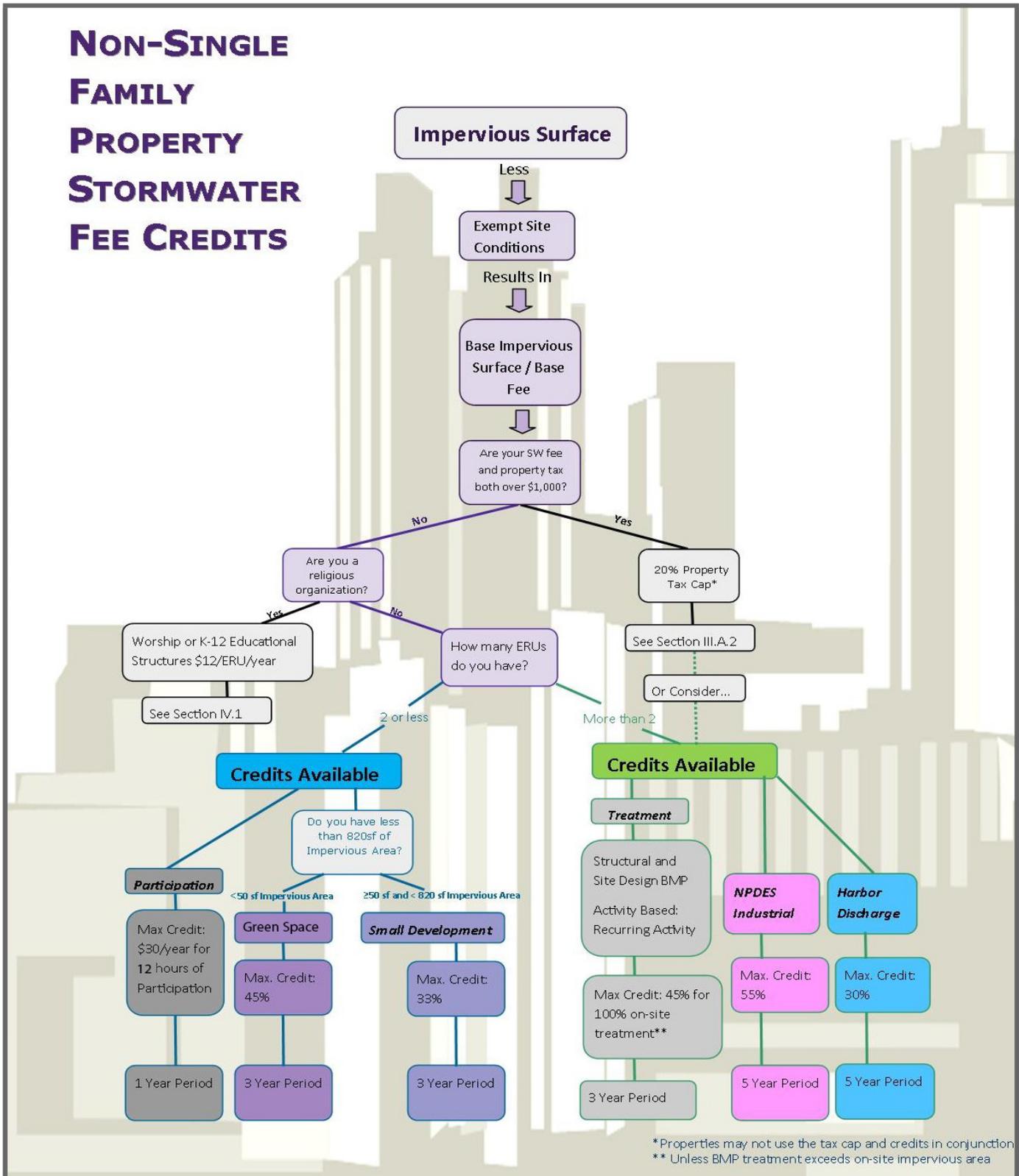
ADJUSTED IMPERVIOUS AREA: 501,157 sf = 477 ERUs

ADJUSTED BASE FEE: \$3,100/month

Note: Image used for demonstration purposes only and does not reflect actual stormwater fee account information.

### III. Legislated Fee Reductions and Credits

Customers are able to reduce their base fees through a number of legislated fee reductions and credits. All reductions must be applied for and are good for the renewal period. The following flow chart is a quick guide to customers' eligibility for various credits or fee reductions.



## **A. Legislated Fee Reductions**

### **1. Religious Structure Special Fee**

The fee for structures belonging to religious non-profits is capped at \$1/ERU/month if they are not subject to State or City property tax, are used exclusively for places of worship or K-12 education, or the religious group or organization is not otherwise enrolled in an approved alternative compliance plan as provided in section C.2.

The applicant will be required to provide a map of the property identifying structures eligible for the discounted rate as well as proof of tax exempt (religious) status certification. The Department will conduct a GIS review of impervious area designation. After verification, the discount will be applied to each of a customer's subsequent monthly bills.

Customers seeking the religious structure special fee should be aware of the following parameters.

- Impervious area that receives the religious structure special fee is not eligible for additional credits. Other impervious area on the property is eligible for other credits.
- The reduced fee will be applied until the Department becomes aware of a change in the status of the property.

### **2. Maximum Fee as Percentage of Property Tax**

Non-single family properties are eligible for a cap on the stormwater fee equal to 20% of their real property taxes as long as their annual stormwater fee is greater than \$1,000 and their real property taxes levied are greater than \$1,000 annually.

The applicant will be required to provide a copy of the most recent City and State real property tax bill. After verification, the discount will be applied to each of a customer's 12 subsequent monthly bills.

Customers seeking the 20% Property Tax Cap reduced fee should be aware of the following parameters.

- Customers that receive the 20% Property Tax Cap fee reduction are not eligible for stormwater credits.
- The reduced fee will be applied until the Department becomes aware of a change in the status of the property.

## **B. Credits**

A credit is granted to a customer for doing things that reduce demand upon the City's drainage system or reduce the City's cost of stormwater management.

The purpose of establishing a Stormwater Fee credit program is to provide a way for customers to reduce their fees, and an incentive for them to implement stormwater management measures. A credit system aims to protect water quality, maintain equity among customers, reduce public expenditures on stormwater management, and promote private sector stormwater management.

The following subsections outline the types of credits available to stormwater utility customers within the City of Baltimore.

### **1. Participation**

Customers are eligible for credit based on participation in a public project within the City specifically targeted at improving water quality, such as trash clean-up, tree planting, and de-paving. These activities provide direct water quality benefits and increase awareness.

These credits are aimed at customers with two ERUs or less of impervious surface. More information on how to earn participation credits is available in the Customer Guidance Document: Single Family Property.

## 2. Green Space

Parcels containing less than 50 square feet of impervious area are eligible for a credit equivalent to 45% of the initial stormwater fee. The applicant will be required to provide photo documentation of the vacant parcel. The Department will verify parcel vacancy through a GIS review or field inspection. After verification, the customer will be notified and the discount will be applied to each of a customer's subsequent 36 monthly bills.

Customers seeking the green space credit should be aware of the following parameters:

- If a parcel qualifies for this credit, then any future development will not be eligible for the redevelopment waiver for stormwater management.
- The credit may be rescinded if the Department finds that the parcel is not regularly mowed and kept free of litter and debris.
- Credit will remain active for three years.

## 3. Small Development Credit

Parcels containing more than 50 but as much as 820 square feet of impervious area are eligible for a 33% credit. The applicant will be required to provide photo documentation of the impervious area on the parcel. The Department will verify parcel impervious area through a GIS review or field inspection. After verification, the customer will be notified and the discount will be applied to each of a customer's subsequent 36 monthly bills.

Customers seeking small development credit should be aware of the following parameters.

- Credit will remain active for three years.

## 4. Treatment Practice Credit

The Department may give credit for Best Management Practices (BMPs) that have been approved by the Maryland Department of the Environment (MDE), as evidenced by either a certification letter from MDE or listed in the latest versions of MDE-issued guidance documents, including but not limited to:

- [Maryland Stormwater Design Manual](#)
- [Environmental Site Design Process & Computations](#)
- [Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated](#)

### a. Structural and Environmental Site Design BMPs

The first type of BMP that is eligible for treatment credits are structural and environmental site design BMPs. The BMP may be on-site or off-site, and must be installed and maintained according to MDE standards. The maximum credit is 45% of the stormwater fee for treatment of all impervious area on the parcel, unless the BMP treatment exceeds on-site impervious surface. **The BMP credit is valid for three years**, after which time re-application for credit is required.

### b. Activity Based BMPs

Activity based BMPs are associated with reoccurring activity, such as weekly mechanical street sweeping or monthly inlet cleanings. The applicant will be required to provide data, after one year of carrying out the practice, which demonstrates the equivalent impervious surface restored that is to be credited, according to MDE guidelines. The discount will be applied to each of a customer's subsequent 12 monthly bills.

Customers seeking treatment practice credit should be aware of the following parameters.

- Credit is calculated according to the criteria listed in MDE-issued guidance, with a maximum available credit of 45% for 100% impervious area treatment.
- Credit will remain active for one year.

#### **c. Off-site Treatment BMPs**

While on-site treatment is usually the best form of stormwater management, off-site BMPs are also eligible for credit. Off-site BMPs are subject to the same eligibility criteria as on-site BMPs. Off-site treatment refers to a BMP that has been installed and maintained by a property owner, but is located in the public way, on public lands, or on a separate private property. Off-site BMPs are subject to the same eligibility criteria as on-site BMPs.

As part of the application process, property owners wishing to receive credit for off-site treatment must submit a narrative describing why an off-site treatment practice is the right option for their property. In order to obtain credit for an off-site BMP, the BMP must be in the same 8-digit watershed as the property to which the credit will be applied.

#### **d. New technology**

If a customer wishes to receive credit for a new BMP technology that has not been approved by MDE, the Department may consider entering into a memorandum of understanding with the property owner.

#### **e. Existing BMPs**

BMPs installed prior to July 1, 2013 that are otherwise eligible for credit under this section shall receive credit upon successful completion of the application process.

#### **f. Receiving Treatment Practice Credit**

To be eligible for treatment practice credits, the property owner or designated representative must execute an inspection and maintenance agreement on all current and subsequent owners of the land served by the Best Management Practice (BMP). This agreement provides access to the BMP, at all reasonable times, for regular inspections by the Department or its authorized representative to ensure that the BMP is maintained in proper working condition. The Department may also inspect the eligible BMP at least once every three years. It is the responsibility of the customer to ensure that all treatment practices are properly maintained. Improper maintenance, as discovered by routine inspection, may be grounds for rescinding a credit.

Credit will not be issued until the BMP is installed and the application has been approved.

#### **g. Calculating Treatment Credits**

Credit is calculated as follows:

- The amount of credit given for a treatment practice will be based on the amount of impervious area for which the practice treats 1 inch of runoff (also known as equivalent impervious area restored). DPW will reference MDE-issued guidance documents to calculate the equivalent impervious area restored.
- The amount of the property's impervious area treated by the practice is multiplied by the maximum credit of 45%. The resulting number is the percentage by which the Stormwater Fee is reduced.
- If the BMP treats surface water that runs on to that property from a neighboring property, the total amount of impervious area treated by the BMP will be considered when calculating the credit. While the total impervious area treated could exceed 100% of the property where the BMP is located, the credit cannot reduce the fee beyond the minimum NSFP charge of 1 ERU.

## 5. NPDES Industrial Permit Credit

Properties with a National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Discharge permit or have been determined by MDE to be exempt from stormwater permitting due to a condition of no exposure can receive a credit equal to 55% of their property's stormwater remediation base fee.

To receive NPDES Industrial Permit Credit, the applicant will need to provide the Department with a copy of their NPDES Industrial Stormwater Discharge Permit or Exemption Certification with the initial application for the credit and every time the permit or exemption certificate is renewed. The Department will verify NPDES Industrial Stormwater Discharge permit holder status. After verification, the discount will be applied to the customer's subsequent 60 monthly bills.

Customers seeking NPDES Industrial Permit credit should be aware of the following parameters.

- Customers may receive NPDES Industrial Permit credit and Harbor Discharger Credit up to a maximum of 85% off the total stormwater fee.
- Customers may not receive treatment credit on the same area that is covered by the NPDES Industrial Permit.
- The Department will revoke the associated credit if a permit holder receives a Notice of Termination of their permit from MDE.
- If MDE delays the timely submitted NPDES Stormwater Discharge permit renewal application, then the Department will automatically extend the term of the credit until MDE issues the revised permit or exemption.
- Credit will remain active for five years.

## 6. Harbor Discharger Credit

A maximum of 30% credit will be given for properties that drain through privately maintained and owned storm drains directly to the Baltimore Harbor.

To receive the credit, the applicant must provide a detailing site drawing of the property showing the drainage areas and flow patterns of the site; any private stormwater collection systems, including inlets, manholes, roof drain connections; locations of structural outfalls; topographic contours of the property; and delineation of the portion of the property and the impervious area that would be eligible for the credit. The Department will verify direct harbor discharge through a GIS review or field inspection. After verification, the customer will be notified and the discount will be applied to each of a customer's subsequent 60 monthly bills.

Credit is calculated as follows:

- The amount of credit given for direct discharge will be based on the amount of impervious area that drains directly to the harbor.
- The amount of the property's impervious area that drains directly to the harbor is multiplied by the maximum credit of 30%. The resulting number is the percentage by which the Maryland Stormwater Fee is reduced.
- Credit will remain active for five years.

### C. Combining Credits

Certain fee reductions and credits can be combined to increase your credit or reduction. The total amount of credit granted to a property cannot exceed 100% of the property's stormwater base fee. Review the following chart for possible combinations.

<u>CREDIT TYPE</u>	P	T	S	G	N	D
PARTICIPATION (P)						
TREATMENT (T)	YES					
SMALL DEVELOPMENT (S)	YES	YES				
GREEN SPACE (G)	YES	YES	NO			
NPDES (N)	NO	NO	NO	NO		
DIRECT DISCHARGE (D)	YES	YES	YES	YES	YES	

#### EXAMPLE 4: COMBINING YOUR CREDITS AND REDUCTIONS

CAPEVALUATION:

BASE FEE: \$11,520

Property Tax: \$46,410

20% Cap: \$9,282

Total Reduction: \$2,238 (19%)

CREDIT EVALUATION:

BASE FEE: \$11,520

Direct Discharge Credit: \$1,382 (12%)

Treatment Credit: \$1,843 (16%)

Total Credit: \$3,225 (28%)

**REDUCTION CHOICE:**

After evaluating the different credit/reduction combinations, choose the combination that yields the greatest fee reduction or credit amount.

## IV. Application Process

Customers are able to reduce their base fees through a number of legislated fee reductions and credits. All reductions must be applied for and are good for the renewal period.

### A. How to Apply

Applications and this guidance document are available at [PublicWorks.Baltimorecity.gov](http://PublicWorks.Baltimorecity.gov) and at the Abel Wolman Municipal Building, or by calling the Customer Support and Services Division at (410) 396-5398. Applications and supporting materials should be submitted to the Bureau of Water and Wastewater at the addresses below.

Bureau of Water and Wastewater  
Abel Wolman Municipal Building  
200 Holliday Street, Room 404  
Attn: Customer Support and Services Division  
Baltimore, MD 21202  
or  
[publicworks@baltimorecity.gov](mailto:publicworks@baltimorecity.gov)

Include "STORMWATER CREDIT APPLICATION" in email subject line

Customers will receive a letter when their application materials have been received and are under review. After the review, another letter will follow with the application decision. At any time, customers may call the Department's Customer Support and Services Division at (410) 396-5398.

The customer is still obligated to pay the full fee during the credit application review.

### B. Timing of Review

Credit applications are to be reviewed and decided within 30 days of receipt of a complete application package. Participation, simple residential treatment practices, small development, vacant lot, and other simple credits or fee reductions may be complete in a shorter time frame. When a 30 day review period would have allowed a property to receive credit or a fee reduction on a subsequent monthly bill and the Department is unable to complete the review within that period, the credit will be applied retroactively for any months that are billed after the 30 day review period.

### C. Appeals

If a customer applies for credit and it is denied after review, the customer may submit an appeal in writing within 30 days of receiving his decision letter. The appeal letter should be sent to the Bureau of Water and Wastewater to the mailing address, email address, or fax number listed above. The letter must contain:

- The customer's name;
- Account number;
- Basis of appeal; and
- Evidence to support the customer's contention, such as:
  - Measurements from an approved as-built engineering drawing;
  - A land survey that shows the total parcel area and the impervious area;

- Proof of ownership or proof of sale; or
- Other reliable documentation that proves the customer's contention.

The Director of Public Works is the final authority for the Department on all appeals. If the customer is aggrieved by the Director's final decision on an appeal, the customer may seek review by the Board of Municipal Zoning Appeals (BMZA) according to that entity's appeals process. Finally, the customer may seek judicial review of that decision in the Circuit Court of Baltimore City.

## **D. Credit Renewal Process**

### **1. Notification**

Stormwater customers are responsible for maintaining an active credit status. If the renewal application is not received within 30 days before the end of the credit period, the credit may not be reflected on the subsequent water bill.

### **2. How to Renew**

For each credit or fee reduction type, the application for renewals is the same form as the initial application. Please include the original documentation as well as documentation describing maintenance where applicable.

### **3. Timing of Renewal**

No credit will be provided in perpetuity. Approval periods are established for each credit type to encourage maintenance of the practice and verify that the practice provides the intended water quality treatment. Credit may be rescinded within the approval period based on Department inspection. The Department will notify the customer by mail of any decisions to rescind the credit within the approval period.

## **E. Transference of Credit**

Once credits or fee reductions are established, they become a characteristic of the property, rather than the customer. If a property changes ownership in the middle of its approval period, the new owner will inherit the active credit status, receive a discounted bill for the remainder of the approval period, and receive a notification letter about credit renewal. Credits will not be transferred with the customer (including Participation credits).

## **F. Application**

Refer to this guidance document for information on the required documents that should be submitted with your application. Please retain the following Non-Single Family Property Credit Application for future use.





**MARYLAND STORMWATER FEE CREDIT**  
**NON-SINGLE FAMILY PROPERTY CREDIT APPLICATION**

**CUSTOMER NAME:** \_\_\_\_\_  
Last First

**PROPERTY ADDRESS:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_  
(Optional)

**MAILING ADDRESS:** \_\_\_\_\_  
If different from property address

**PARCEL ID (BLOCK/LOT):** \_\_\_\_\_ **APPLICATION DATE:** \_\_\_\_\_  
(Optional)  
(Visit <http://cityservices.baltimorecity.gov/realproperty/> to search your Block/Lot)

**ACCOUNT No.:** \_\_\_\_\_

This application is for the renewal of credits.

Credit/Reduction Type	Brief Description of Activity/Treatment/BMP	Fee Reduction
Religious Structure Fee Reduction		
Maximum Fee as % of Property Tax		
Participation (\$10/4hr/yr)		
Green Space (45%)		
Small Development (33%)		
Treatment Practice (45%)		
Activity-Based BMP (45%)		
NPDES Industrial Permit Holder (55%)		
Harbor Discharge (30%)		
<b>Total Approved Reduction</b>		

To my knowledge, all the information included in the application is correct.



## MARYLAND STORMWATER FEE CREDIT

### NON-SINGLE FAMILY PROPERTY CREDIT APPLICATION (cont)

**DIRECTIONS:** Refer to the *Non-Single Family Property Maryland Stormwater Fee Reductions Customer Guidance Document* for instructions and additional information.

Please send this completed application and required attachments to:

**Bureau of Water and Wastewater**  
**Abel Wolman Municipal Building**  
**200 Holliday Street, Room 404**  
**Attn: Customer Support and Services Division**  
**Baltimore, MD 21202**  
 or  
**Email [publicworks@baltimorecity.gov](mailto:publicworks@baltimorecity.gov)**  
**Include in subject line **STORMWATER CREDIT APPLICATION****

Please note enclosed documentation, as applicable:

- Map of property identifying structures eligible for the religious structure discounted rate
- Proof of tax exempt status certification
- Copy of Previous year's City and State real property tax bill
- Copy of the current NPDES Industrial Stormwater Discharge Permit (Individual)
- Map showing location(s) of Treatment Practices
- Records of activity-based BMP and results
- Certificate(s) of event participation
- Other \_\_\_\_\_

**THE CUSTOMER IS STILL OBLIGATED TO PAY THE FULL FEE DURING THE CREDIT APPLICATION REVIEW**

\*For official use only

Customer Service Rep: _____	Date Approved: _____
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