



STORMWATER UTILITY DEVELOPMENT PLAN

Dated: November 27, 2017



Village of Buckeye Lake
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PREFACE

This document was prepared in November 2017.

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EXECUTIVE SUMMARY

The Village of Buckeye Lake Stormwater Utility is similar to any other utility i.e. water and wastewater. A fee will be charged for services provided. In this case, the service provided is to control storm water runoff through construction, operation and maintenance of a storm water collection and maintenance system.

The United States Environmental Protection Agency (US EPA) is requiring communities throughout Ohio to improve their storm water systems to prevent pollution and improve water quality. This is accomplished through issuance of a National Pollution Discharge Elimination System (NPDES) permit

The Village of Buckeye Lake Stormwater Utility is intended to provide a reliable source of funding for the operation of stormwater programs, maintenance and/or enhancement of stormwater infrastructure, and compliance with stormwater permits. The Funds are generated from fees charged to landowners based on factors that influence stormwater runoff, such as the amount of impervious surface on their property. The Village currently does not have a source of dedicated funding for stormwater facility construction, maintenance and repair, and for capital improvements projects.

The Stormwater Utility will pay for improvement projects (e.g., upsizing or addition of pipe systems, detention basins) watershed planning, administration, operation and maintenance of stormwater facilities and infrastructure and costs associated with reconstruction of existing facilities as part of street reconstruction projects, stream bank stabilization and water quality improvement projects (e.g., ponds, bio retention systems, rain gardens).

Stormwater is managed to protect homes, properties, the environment, streams, and rivers from damage due to flooding, pooling, erosion, and harmful pollutants. Stormwater runoff must be channeled through a system of pipes, culverts, ditches, swales, catch basins, and storm drains before being safely discharged into local streams and rivers. Even if a property has never flooded, the stormwater that flows off the property must be managed so that it does not contribute to flooding in areas upstream or downstream.

Revenue generated will fund anticipated annual maintenance of \$35,000 and a 5 year Capital Improvement Plan (CIP) of \$1,555,000. The Village anticipates applying for multiple sources of grant funding to assist in the funding major CIP projects. Projects and project prioritization may change following camera and physical inspections. The CIP will be reviewed annually and modified as prudent and necessary. A CIP for years 6-10 has also been drafted.

The stormwater service fee is initially proposed at \$ 4.00 per ERU (Equivalent Residential Unit). A separate rate ordinance will enact the final fee. An ERU is based on a residential property with 2,700 square feet (SF) of impervious area. All other parcel/properties fees are calculated based on the impervious area over 2,700 SF rounded to a whole unit except exempt properties.



NARRATIVE

PURPOSE AND OBJECTIVE

The purpose of this document is to provide a storm water utility development plan for the Village of Buckeye Lake. The Village of Buckeye Lake currently owns and operates a stormwater system for the collection and disposal of stormwater and other surface waters and for flood control.

OBJECTIVES

- Comply with Federal, State and Local requirements.
- Stormwater management program cost of services and rate study.
- Identifying and analyzing problems, needs, goals, financing and management options.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 1: Payment of Charges

The Village Council finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage, and disposal of stormwater, provides benefits and services to all property within the village limits. Such benefits include, but are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters.

STORMWATER UTILITY

A Stormwater Utility is the same idea as the existing water and sanitary sewer utilities. It is a way of collecting enterprise funds, which can only be spent to maintain and/or enhance the infrastructure for which they were collected.

The constitution of the State of Ohio, Article XVIII, Section 4, authorizes municipalities to operate a public utility. The 1972 Federal Clean Water Act, amended by the Water Quality Act of 1987, U.S. EPA and Ohio EPA regulates the operation of a stormwater system and required programs to be implemented that will improve the quality of stormwater.

GOALS

- Repair, replacement, improvement and regulation of the Village's stormwater system.
- Prevent further deterioration of the existing stormwater system.
- Prevent or reduce flooding to protect people and property from flood hazards.
- Prevent infrastructure failures.
- Improve water quality by reducing non-point source water pollution.
- Prevent stream bank erosion.
- Collect, transport and treat stormwater runoff.



BENEFITS

The Stormwater Utility will be responsible for managing runoff that leaves a property either from rainfall or irrigation and ultimately drains into a Village maintained drainage facility.

As with any new program, it will take time for the full effect of the Stormwater Utility to be realized. However, substantial improvements in maintenance services and better drainage should be visible not long after implementation of the utility.

Early benefits may include clearing clogs in stream and underground pipes which can cause water to back up, resulting in standing water and flooding.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 2: Creation of a Storm Water Utility Program

The function of the newly created Stormwater Utility Program Department is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems; to fund activities of stormwater coordination, construction, operations, maintenance, inspection and enforcement activities.

It is the express intent of this newly created stormwater utility program, to protect the public health, safety and welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any special parcel within or outside the boundaries of the Village. The Village expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the Village, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.



FINANCING

It is necessary, desirable and in the best interests of the Village of Buckeye Lake, its citizens, and the users of the stormwater system to establish a mechanism for the financing of facilities, systems and services provided by the Village of Buckeye Lake. A stormwater management service charge shall be imposed and collected as provided in the Village of Buckeye Lake Ordinance No. 2013-25 and this document.

The Village is not permitted to spend the money received from the Stormwater Utility on anything unrelated to stormwater Infrastructure and improved drainage or water quality.

GOALS

To effectively finance the Stormwater Utility the Village will:

1. Establish and maintain fair and reasonable stormwater management service charges for each lot or parcel in the Village which bear a substantial relationship to the cost of providing stormwater management services and facilities. Such service charges shall be charged because each property contributes to stormwater runoff and benefits from effective management of stormwater by the Village of Buckeye Lake.
2. Ensure that similar properties pay similar stormwater management service charges which reflect the area of each property and its intensity of development, since these factors bear directly on the peak rate of stormwater runoff.
Charges for residential properties shall reflect the relatively uniform effect that the property development has on runoff. Charges for all other properties shall be in proportion to residential properties of two or less dwelling units, utilizing both relative area and intensity of development in setting rates.
3. Provide a mechanism for consideration of specific or unusual service requirements of some properties, and special and general benefits accruing to or from properties as a result of providing their own stormwater management facilities by providing credits to those properties.
4. Provide for an annual review of service charges to ensure that rates reflect the current costs of effective stormwater management.
5. Utilize stormwater management funds throughout the Village, except where activities or facilities are clearly unusual and in excess of the normal level of service Village wide and where developers are responsible for providing any new stormwater facilities required for their project.

MAINTAINING EFFECTIVENESS

In order to maintain effectiveness, the Stormwater Utility will:

1. Establish a procedure for the petitioning of appeals and variances;
2. Provide a procedure for the abatement of conditions or activities which are contrary to the interest of public health, safety or welfare;
3. Provide for its continuous validity through severability of its various portions;
4. Provide penalties for violations of its provisions.



FUNDING

Funding for the Stormwater Utility shall include, but not be limited to:

1. Stormwater management service charges
2. Direct charges: This charge will be collected from owners, developers and others for the cost of designing and constructing stormwater facilities, and for administrative costs and related expenses where the Village, on behalf of the Stormwater Utility, designs and/or constructs or contracts for the construction of such facilities
3. Direct assessment: This charge will be collected from owners in localized areas that desire stormwater drainage facilities not considered a part of the regional development or where an improvement is desired ahead of the priority status
4. Other income obtained from federal, state, local, and private grants, or revolving funds and income obtained from other means as permitted by law

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 4: Funding the Stormwater Utility Program

Funding for the stormwater utility's activities may include, but are not limited to: Stormwater service charges; Stormwater permits and inspection fees; other funds or income obtained from federal, state, locals, and private grants, or loans.

STORMWATER UTILITY ENTERPRISE FUND

All revenues generated by or on behalf of the Stormwater Utility shall be deposited in the Stormwater Utility Enterprise Fund and used exclusively for Stormwater Utility purposes, which includes the following:

- Preparation of plans for improvements and betterments to the stormwater management system
- Construction of improvements and betterments to the stormwater management system, including, but not limited to, the purchase of land for same
- Promulgation of regulations for the use of the stormwater management system, including provisions for enforcement of such regulations
- Review and approval of all new development permits within the Village for compliance with stormwater management regulations included in present Village ordinances or ordinances later adopted
- Performance of routine and as needed maintenance and minor improvement to the stormwater management system
- Establishment of charges for the Village's stormwater management system
- Evaluation of water quality concerns for discharges to the stormwater management system
- Performance of all normal utility functions to include construction, operation, and maintenance of the Village's stormwater management system, including, but not limited to, the hiring of staff, the selection of special consultants, the entering into contracts for services and construction of facilities, and the handling of purchase, lease, sale or other rights to property for the stormwater management system.



REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 5: Stormwater Utility Program Fund

All service charges and all sources of revenue generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility enterprise fund and used exclusively for the stormwater utility.

ANNUAL BUDGET

The annual costs for the storm drainage system includes permitting, maintaining, planning, designing, reconstructing, constructing, environmentally restoring, regulating, testing, inspection of the system, management and administration, debt service and the establishment of a reserve balance.

OPERATING BUDGET

The operating budget shall set forth for the fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension, replacement and debt service.

BASE RATE

The Village of Buckeye Lake shall, by ordinance or resolution, establish the base rate for the Stormwater Management Service Charge. The base rate shall be calculated to insure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Village.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 6: Stormwater Utility Operating Budget

Village Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set for such fiscal year revenues and estimated expenditures for operations, maintenance, and extension and replacement and debt service.

STORMWATER MANAGEMENT SERVICE CHARGE

A Stormwater Management Service Charge is imposed on each developed lot and/or parcel of land within the Village, and the owner thereof, excepting only streets, boulevards, curbing, street crossings, grade separations, and other public ways and easements, and highway structures belonging to the Village, township, county, state or federal government. Public road and freeway rights-of-way shall be exempt from the stormwater management service charge because they function as part of the stormwater collection and conveyance system. Private rights-of-way will be charged as described herein.

The stormwater utility service is always being provided with respect to the impervious surface of the land no matter who is the beneficial user of other utility services that serve the land. The decision to develop the land on the part of its owner (or even by its occupant) may be voluntary, but any development that leads to the creation of impervious area leads to the involuntary subjection of the land to a stormwater user's fee. The only way the owner (or occupant) of the land can voluntarily not be subjected to the stormwater user's fee is to return the land to its natural state as determined by the Stormwater Utility. The stormwater user's fee does not apply to land in its natural undeveloped condition.



REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 7: Rate Structure and Charges and Fees.

A stormwater service charge shall be assessed to each and every lot and parcel of land within corporate limits of the Village of Buckeye Lake that is tributary directly or indirectly to the stormwater system of the Village and the owner thereof that contains impervious area. This charge does not rely on occupancy of the premises to be in effect and is hereinbefore provided, and in the amount determinable as follows:

For any such property, lot, parcel of land, building or premises that is tributary directly or indirectly to the storm water system of the Village, such charge shall be based upon the quantity of impervious area situated thereon.

(a) All properties having impervious area within the Village of Buckeye Lake will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties of having impervious area receiving at least one (1) ERU.

(1) Residential properties, All residential will be assigned one (1) ERU. A flat rate service charge will apply to all residential properties.

(2) Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2, 700 square feet (1 ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.

(3) Base Rate. Village Council shall, by resolution, establish the base rate for the stormwater utility service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits.

STORMWATER ONLY ACCOUNTS

Stormwater only accounts are properties that do not contain water and/or sanitary sewer service but do contain impervious area or hard surface areas that total greater than 250 square feet. The 250 square feet impervious area limit is intended to allow for minimal access driveway approaches and other incidental impervious area on vacant land. New and additional stormwater only accounts will be determined by the Village of Buckeye Lake.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 8: Stormwater Only Accounts.

Stormwater only accounts are properties that do not contain water but do contain impervious area or hard surface. New and additional stormwater only accounts will be determined by building and zoning departments and building permit system. The Village of Buckeye Lake Development Department will make available all zoning permits for new construction to the Director of Public Works or his/her designee.



NECESSITY FOR CHARGES

Village is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the Village and the community at large and the environment to proceed with the development, implementation and operation of a storm water utility program.

The Village Council found that the repair, replacement, improvement and regulation of the stormwater system are necessary to prevent further deterioration of the existing system, prevent or reduce flooding and to prevent water pollution.

Village of Buckeye Lake determined that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relation to their individual contributions of stormwater to the system.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 9: Necessity for Charges.

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing storm water services to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

COLLECTION

Stormwater Utility charges shall be collected in accordance with the Village of Buckeye Lake requirements. The Village will use the current water billing system by adding a line for "Stormwater Fee". If the resident or parcel owner does not receive a water bill, the Village will generate a stormwater only bill for the said resident/parcel owner.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 12: Collection.

Each stormwater service charge rendered under or pursuant to this ordinance is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the stormwater system of the Village, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of the County in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.



PAYMENT CHARGES

Stormwater Utility charges shall be paid in accordance with the Village of Buckeye Lake requirements.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 14: Payment of Charges.

Stormwater charges shall be assessed monthly. Payment shall be made within ten (10) days following the receipt of the statement of charges. Stormwater charges shall be billed on a joint statement with water charges and shall be payable at the Village of Buckeye Lake Water Office.

If a bill for stormwater service remains unpaid for a thirty (30) day period, the arrearage will be added to the next monthly billing. Notice shall be given with this bill that if all bills are left unpaid at the Water Office after the due date (two bills are past due constitute a double bill), current delinquent and additional charges shall be applied to the bill and water furnished by the Department shall be scheduled for shut off without further notice. If water service is scheduled for termination, additional service charges shall be applied.

If water service is terminated due to delinquent payment of charges, service shall not be restored until all stormwater and water delinquent and service charges are paid in full.

Each charge levied by or pursuant to this Chapter shall be made a lien upon the corresponding lot, land or premises serviced by a connection to the water system. If the charge is not paid, it shall be certified to the Auditor of The County in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.

The funds received from the collection of the stormwater service charges as defined in Section 5 shall be deposited in the stormwater enterprise fund.

PAYMENT RESPONSIBILITY OF STORMWATER BILLS

TENANT/OCCUPANT VERSES LANDOWNER PAYMENT RESPONSIBILITY:

If a tenant/occupant occupies the property on the first calendar day of a given month, that tenant/occupant will be responsible for the entire month's stormwater charges.

If no tenant/occupant occupies the property on the first calendar day of a given month, a stormwater only billing account will be created in the name of the owner, and the owner will be billed for the stormwater charges until such time that a new tenant/occupant takes responsibility for the charges.

NEW DEVELOPMENT

Stormwater charges will be billed at the point when the Village has converted the temporary (construction) water meter to a permanent water meter, or at 90 days following installation of the temporary (construction) water meter, whichever comes first. The builder/developer will be billed for stormwater utility charges until such time that a new owner or tenant assumes responsibility for the stormwater utility charges.



PRIORITY BILLING AND COLLECTION SYSTEM

The definition of priority within the billing and collection system is a key part of the protocol that is typically established by an ordinance for pursuing collections in the event that a customer fails to pay. The order of priority provides the basis for determining which utility service(s) are in default in the event a customer fails to pay, or when a customer partially pays a bill. If a customer fails to make any payment, they are in default with respect to all utility services. However, if a customer makes a partial payment, the priority of utility services as established by billing/collection protocol will determine which specific utility service(s) is/are covered by the payment and which service(s) is/are in default.

By convention, stormwater utility programs are best served by establishing the water utility service charge revenues as the last service funds reimbursed (the last priority within the protocol). A customer in arrears would be arrears on water service, and would risk interruption of service.

A priority billing and collection system is to be implemented for Village of Buckeye Lake in the following order:

1. Stormwater Charges
2. (and lastly) Water Charges

BILLING ADJUSTMENTS

The stormwater utility shall have the right on its own initiative to adjust upward or downward the stormwater user's fees with respect to any property, based on the approximate percentage on any significant variation in the volume or rate of stormwater, or any significant variation in the quality of stormwater, emanating from the property, compared to other similar properties. In making determinations of the similarity of property, the stormwater utility shall take into consideration the location, geography, size, use, impervious area, stormwater facilities on the property, and any other factors that have a bearing on the variation.

ERRORS AND CHANGES:

Retroactive billing adjustments are to be allowed for any and all types of discovered billing errors or changes in impervious area for non-single family residential properties, for a period not to exceed one (1) year following the billing date that precedes discovery of the error.

CREDITS:

Stormwater user's fee adjustments for stormwater management practices may be considered for: reductions in runoff volume including discharge to a non-Village drainage system; and properly designed, constructed and maintained existing retention facilities, i.e. evaporation and recharge. Based upon the information provided by the utility and the appealing party, the stormwater utility shall make a final calculation of the stormwater drainage fee. The stormwater utility shall notify the parties, in writing, of its decision.



REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 13: Adjustments to Stormwater Service Charges.

Increase adjustments (debit) can be made to non-residential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways. Decrease (credit) adjustments can be made to non-residential service charges by property owners performing activities that reduce the impact of stormwater runoff to the stormwater system.

ANNUAL REVIEW OF RATES AND CHARGES

The Village of Buckeye Lake may review and adjust the Stormwater Utility's rates and charges annually. The Village will prepare a report with the recommended Stormwater Management Service Charges should the rate or charges need to be changed. This report shall contain data used in the determination of the recommended Stormwater Management Service Charges and shall be presented to Village Council.



UTILITY DATABASE CONSOLIDATION SYSTEM PROCEDURES

Stormwater bills are to be consolidated with the current Village water billing account to the extent practical.

Since the Village of Buckeye Lake will be performing the billing and collection for the Stormwater Utility, the current water billing system will be followed and adhered to as much as possible when creating and developing the modifications for the Stormwater Utility billing system. In this regard, each water billing account needs to be accounted for as either being assigned a stormwater service charge, or by being identified as a sub-account (consolidated to another account) to another water billing account (master account) that will receive a stormwater service charge. It is important to "consolidate" all water billing accounts as much as practical to another water billing account(s) when a multiple billing situation arises.

Many properties in the system will have multiple billing accounts. Multiple billing accounts should be consolidated to a single stormwater bill (this issue will be discussed in connection with condominiums, apartments, shopping malls, and office complexes). All billing accounts associated with a property and that do not receive a stormwater service charge should be recorded in the billing system as a subaccount of the master stormwater billing account.

BENEFITS TO CONSOLIDATING STORMWATER BILLING ACCOUNTS

- Consolidation assures access to the collection leverage associated with either property tax certification or service interruption.
- Consolidation of billing accounts assures that an existing mailing address and data field exists within the current billing system and that each are accounted for.
- Consolidation of billing accounts will provide current ownership information that may be stored in the information system.
- Consolidation will facilitate cross-checking to verify complete coverage of customers.
- Consolidation will enable customer service to respond to inquiries about bills in which tenants/occupants are encompassed by a single bill, (examples, which billing accounts were consolidated and which were not).



POWERS OF DIRECTION OF PUBLIC WORKS

RULES AND REGULATIONS

In order to accomplish the purpose to protect the drainage facilities, improvements, and properties owned and maintained by the Village, to secure the best results from the construction, operation, and maintenance thereof, and to prevent damage and misuse of any of the drainage facilities, improvements, or properties within the Village, the Village shall utilize existing rules, regulations or codes and may make and enforce additional rules and regulations as authorized herein or that are subject to approval by Council, and that are necessary and reasonable to:

1. prescribe the manner in which storm sewers, watercourses, channels, and other stormwater facilities are to be designed, installed, adjusted, used, altered or otherwise changed
2. recommend inspection and to charge fees permitted
3. prescribe the manner in which stormwater management facilities are operated
4. facilitate the enforcement of the stormwater utility rules and regulations
5. prescribe the collection procedures and timing of service charge bills
6. protect the municipal stormwater management system, improvements, and properties under the Stormwater Utility's control, and to prescribe the manner of their use by any public or private person
7. establish rules and regulations to protect the public health, safety and welfare

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 10: Powers of Direction of Public Works.

Stormwater service charges levied pursuant to this ordinance may be collected by Department of Stormwater. Notwithstanding other provision of the Village of Buckeye Lake Code, the Direction of Public Works or his/her Designee shall make and enforce such rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the Village's stormwater system;' for the construction and use of storm sewers and connections to the stormwater system consistent with policies established by the Village of Buckeye Lake Council; and for the regulation collection, rebating and refunding of such stormwater charges.

RIGHT OF ENTRY FOR SURVEY, EXAMINATION AND MAINTENANCE

After presenting proper credentials and securing permission, the Village designees, including contractors and their employees or consultants and their employees, may enter upon lands within the Village to make surveys and examinations to accomplish the necessary findings to establish a master plan, for detailed analysis to prepare final plans and specifications for proposed improvements, or for inspection or maintenance of stormwater facilities.



PUBLIC FACILITIES

The Stormwater Utility shall be responsible for stormwater drainage facilities and watercourses on all streets, boulevards, sidewalks, curbing, street and other municipal property and municipal easements, and highway structures and appurtenances belonging to the Village. All public facilities owned or controlled by the Village of Buckeye Lake are exempt from payment of the stormwater service maintenance charge.

Where public facilities and watercourses are located in easements on private property, the owner of the property is responsible for aesthetic maintenance such as lawn mowing, litter pick-up, and the like. The owner shall neither place nor allow structures or plantings that interfere with the operation and maintenance of drainage facilities and watercourses.

ANCILLARY IMPROVEMENTS

The Utility may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures on municipal property or public easements necessary to properly operate and maintain new and existing stormwater facilities.

ROUTINE AND REMEDIAL MAINTENANCE

The Utility shall provide for inspection and routine maintenance of facilities that have been accepted for maintenance by the Stormwater Utility. Maintenance may include catch basin cleaning, grating and casting repair, bridge surface drainage systems cleaning, channel clearing, erosion repair, and other incidentals. The Stormwater Utility shall provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public. Remedial maintenance of bridge surface drainage systems shall remain the responsibility of agencies other than the Stormwater Utility.

LAND AND FACILITIES AFFECTED BY LANDS OUTSIDE THE VILLAGE

Where stormwater drains from lands outside the Village, facilities within the Village shall be designed in accordance with this document as if the entire drainage area was within the Village, as determined by the Village Engineer.



CLASSIFICATION OF PROPERTY, ERU ASSIGNMENT AND RATE

The stormwater service charge should be fair, equitable, revenue sufficient, and reflect the relative contribution of stormwater runoff from a property, benefits enjoyed, and services received by each property as a result of the collection of surface water, and should consider the impervious area of the various properties within the Village, because the extent of storm and surface water runoff from a particular lot or parcel is largely a function of its impervious area.

IMPERVIOUS AREA

Impervious Area is defined as the horizontal projection of any part of any parcel of land that has an impermeable cover caused to be erected or constructed by the action of persons, and such covers include, but are not limited to, buildings, parking lots, driveways, patios, decks, walkways, pavers, concrete pads, athletic courts, swimming pools, man-made lined ponds, concrete lined channels or ditches and other changes to landscape or development that affects the ability of land to absorb stormwater or to naturally detain stormwater.

Private Road: Any private road that does not currently meet local roadway construction standards and would not currently qualify to be dedicated to the Village will be considered impervious area. The impervious area will be measured and billed to the property owner. If the private roadway currently meets local construction standards and would currently qualify to be dedicated to the Village, the impervious area associated with the private road(s) will be measured and billed to the property owner until such time that the private road(s) are dedicated to the Village by appropriate Village approval action.

Gravel Driveways and Parking Lots shall be included in the impervious area measurements for ERU assignments. Gravel compacted for driveways and parking lots is usually considered impermeable with respect to stormwater runoff when compared to natural vegetated conditions. Also, gravel driveways and parking lots are difficult to distinguish from other impervious areas when interpreting aerial photography.

Man-Made Lined Ponds and Lined Retention Basins shall be included in the impervious area measurements for ERU assignments. The reason is that these facilities are typically sealed or lined with impervious material or mechanically treated soil to impede or prevent water loss. When ponds or retention basins serve as stormwater management detention facilities they may be eligible for stormwater credits if applied for by the property owner in accordance with the Village of Buckeye Lake requirements for stormwater credits.

Ponds, Lakes, Retention Basins and Impoundments with Natural Bottoms shall not be included in the impervious area measurements for ERU assignments.

Natural Water Courses, Wetlands and Impoundments are not considered to be impervious area when they are in their natural state. The Village of Buckeye Lake shall make the determination of whether a water course or impoundment is natural or man-made for the purposes of impervious area measurements for ERU assignments.

Buckeye Lake water and man-made projections into or over the water of Buckeye Lake from the shore line that are also within the corporation limits of Buckeye Lake are not included in the impervious areas measurement for ERU assignments.



EQUIVALENT RESIDENTIAL UNIT (ERU) DETERMINATION

Equivalent Residential Unit (ERU) is defined as the average square footage of impervious areas for a typical detached single family residential property within the Village of Buckeye Lake.

The Village of Buckeye Lake established in Ordinance No. 2013-25 that **one (1) Equivalent Residential Unit (ERU) is defined as being 2,700 square feet of impervious area** for single family residential properties. The Village of Buckeye Lake at their discretion may reevaluate and set a new Equivalent Residential Unit (ERU) by ordinance or resolution.

The Village of Buckeye Lake has the discretion to determine the source of the data from which the ERU is established, taking into consideration the general acceptance and use of such source on the part of other stormwater systems, and the reliability and general accuracy of the source. The Village of Buckeye Lake has the discretion to determine the impervious surface area of other developed property through property tax assessor's rolls or site examination, mapping information, aerial photographs, and other reliable information.

The Licking County and Fairfield County Geographic Information System (GIS) database and base mapping information were used to identify and measure properties. After locating the property and determining that the property contained impervious area, the impervious area was measured and recorded in a spreadsheet for that property.

Exempt Property: An ERU is not determined for exempt property.



SERVICE CHARGE CALCULATION IN WHOLE ERU'S

The Equivalent Residential Unit (ERU) will be used as the common denominator in the algorithm for all non-residential classes of properties, excluding undeveloped properties, using the selected rate structure, with the exception of assigning one (1) ERU (flat rate) for all single-family residential class customers. The process can be summarized as follows:

1. The impervious area of a randomly selected and representative sample of single-family residential (SFR) properties is measured to determine the average impervious area. The average impervious area of those measured SFR properties represents one (1) Equivalent Residential Unit (ERU). The ERU is then used to calculate bills for all single-family residential and non-single-family residential customer classes.
2. All single-family residential (SFR) properties are charged a flat rate charge that is equal to one (1) ERU.
3. The charge for non-residential properties (not single-family residential as determined by the single-family residential property definition) is determined by first measuring the total impervious area for a particular property. The measured impervious area is then divided by the ERU (determined in Step 1 above) to determine the total number of ERUs for that particular property. The mathematical division process will generally yield a fractional number (versus a whole ERU total). The total number of ERUs for that property is then multiplied by the single-family residential (SFR) flat rate to determine the charge for that non-residential property.
4. Undeveloped property with less than 250 square feet of impervious area will not be assigned an ERU.

Whole ERUs and Rounding: The Village of Buckeye Lake rate system will only recognize complete or whole ERUs to simplify calculations of and explanation of bills. Moreover, the following rounding protocol should be followed in rounding to whole numbers:

- 0.49 and below, is rounded down to the nearest whole ERU; and
- 0.50 through 0.99 is rounded up to the nearest whole ERU.
- All non-exempt properties shall receive at least one (1) ERU – with the only exception being two-unit properties (duplexes) with two water meters and two billing accounts. Under this situation, each billing account will be charged one-half of the monthly stormwater service charge, or 1/2 ERU per month.

Contiguous Parcels or Lots: If individual adjacent lot(s) or parcel(s) are all owned by the same owner for a single family residential property, they shall be considered to be a single parcel for determination of service charges. Single family residential dwellings on separate adjoining lots owned by the same owner shall be separately assigned one (1) ERU each.



MULTI-UNIT RESIDENTIAL PROPERTIES

DUPLEXES

Since there may be more than one resident/occupant in a duplex or no resident/occupant in one or both units, there must be a protocol defined with respect to whom and where to send the stormwater utility bill.

A residential duplex property is to be treated as a single-family residential property with respect to being assigned one (1) ERU. The following protocol is to be observed in handling duplexes:

1. If there is a single water meter for a duplex unit the stormwater bill should be assigned to the existing account or to the owner.
2. If there are two water meters (two billing accounts) for a duplex unit the stormwater bill should be assigned to the existing accounts.
3. If a duplex unit does not have a tenant or occupant but does have a water meter, the stormwater bill is to go to the owner.

TRIPLEXES AND FOURPLEXES OR QUADS

Triplexes and Fourplexes (Quads) are considered to be non-single family residential for the purposes of the Stormwater Utility charges.



CONDOMINIUMS AND APARTMENTS

Condominiums and Apartments represent a category of property that encompasses multiple owner or tenant occupied units/dwellings within the boundaries of a single property. Consolidated condominium/apartment properties typically feature the impervious areas of the individual buildings, parking areas, amenities (e.g. tennis or basketball courts) and driveways. The service charge for consolidated condominium/apartment properties will be derived as follows:

- By measuring all of the impervious area encompassed by the property;
- Dividing the measured impervious area by the impervious area equivalent to one (1) ERU;
- Rounding the product of the forgoing division to the nearest whole number and multiplying the foregoing whole number by the rate for a single ERU.

CONDOMINIUMS

The Licking County and Fairfield County GIS databases may in some cases provide property boundary shape files that will establish a basis for allocating stormwater service charges among individual owners within a condominium complex.

In those cases where the property boundary information is included in the GIS database file, there are two alternatives for allocating the Stormwater Utility service charges:

1. **In situations where the County GIS provides property boundary information for each individual owner within the complex, the buildings are single-family residential buildings and where a billing account exists for each unit within the complex (one to one relationship);** treat each unit as a single-family residential property and bill each account one (1) ERU. Any common areas such as private drives, parking areas and amenities such as tennis courts and community buildings will have the impervious area measured, the number of ERUs calculated, and these ERUs will be assigned to a billing account in the name of the homeowner's association, management company or management association. If a billing account in the name of the homeowner's association, management company or management association does not exist, a stormwater only billing account will be created for this purpose. Dwelling units will not be included in the impervious area measurement.
2. **In situations where the County GIS provides property boundary information for each individual owner within the complex and the buildings are more than single-family residential buildings,** the impervious area for the entire complex will be measured and the number of ERUs will be calculated. These ERUs will be assigned to a billing account in the name of the homeowner's association, management company, or management association. If a billing account in the name of the homeowner's association, management company or management association does not exist, a stormwater only billing account will be created for this purpose. The impervious areas will include any common areas such as private drives, parking areas and amenities such as tennis courts and community buildings. Dwelling units will be included in the impervious area measurement.



In those cases where the property boundary information is not included in the GIS database file, two alternatives for allocating the service charges should be considered:

1. **In situations where a billing account exists** in the name of the homeowner's association or management company or management association, etc., that billing account will be assigned as the master billing account for the property, measure the impervious area for the entire complex, calculate the number of ERUs for the property, and assign the resulting stormwater charges to that one master billing account. If any other billing accounts exist or billing accounts exist in the name of the unit owners, consolidate those billing accounts as sub-accounts to the master billing account.
2. **In situations where a billing account does not exist** in the name of the homeowner's association, management company or management association, etc., create a stormwater only account in the name of the homeowner's association, management company or management association, and assign that billing account as the master billing account for the property. Measure the impervious area for the entire complex, calculate the number of ERUs for the property, and assign the resulting stormwater charges to that one master billing account. If any other billing accounts exist or billing accounts exist in the name of the unit owners, consolidate those billing accounts as sub-accounts to the master billing account.

APARTMENTS

Tenants will most likely occupy nearly all units within the apartment complex. Tenants do not own property within the apartment complex, and therefore would not be responsible for delinquent or unpaid stormwater service charges. This situation renders two options for allocating stormwater service charges to an apartment complex:

1. **In situations where a billing account exists** in the name of the owner, landlord, management company or management association, etc., assign that billing account as the master billing account for the property, measure the impervious area for the entire complex, calculate the number of ERUs for the property, and assign the resulting stormwater charges to that one master billing account. If any other billing accounts exist or billing accounts exist in the name of the tenants, consolidate those billing accounts as sub-accounts to the master billing account.
2. **In situations where a billing account does not exist** in the name of the owner, landlord, management company or management association, etc., create a stormwater only account in the name of the owner, landlord, management company or management association and assign that billing account as the master billing account for the property. Measure the impervious area for the entire complex, calculate the number of ERUs for the property, and assign the resulting stormwater charges to that one master billing account. If any other billing accounts exist or billing accounts exist in the name of the tenants, consolidate those billing accounts as sub-accounts to the master billing account.



MANUFACTURED HOMES OR MOBILE HOME PARKS

The Village of Buckeye Lake Stormwater Utility shall treat manufactured home parks or mobile home parks (no property boundary for each unit) as a non-residential property, measuring the impervious area for the entire complex and billing the property owner of record.

If a manufactured home park or mobile home park exists and each home resides within the park and on land with a clearly defined boundary for each unit, and each property has a separate parcel ID number, each property is owned separately, and each property receives a property tax bill from the Auditor's office, these manufactured home properties will be treated as single-family residential properties. Each unit will be billed one ERU per month. Any common areas or private roads and/or amenities will be treated as non-residential property and billed to the park owner or homeowner association.

NON-RESIDENTIAL (MALLS/STRIP MALLS/OFFICE PARKS)

The following two options are the preferred methods for treating non-residential malls/strip malls/office parks property types.

- If the County GIS data file clearly shows that there is adjacent and contiguous same ownership, assign all impervious areas to a single master water meter and consolidate all other water meters for that property to the master account as sub-accounts. Note consolidations will not be made across any street, road, highway etc.
- Assign the entire service charge to a single entity billing account (owner, landlord, management association/landlord, manager) with all other billing accounts consolidated to this account as sub-accounts. In cases where a single billing account serves the entire center, the stormwater bill would be assigned to that single billing account.

If the above options cannot be implemented, the following option will be followed.

- Assign the entire service charge to a single entity (owner, landlord, management association /landlord, manager) by creating a stormwater only account, with all other billing accounts consolidated to this account as sub-accounts

In situations where the County GIS clearly shows property boundaries and a billing account exists for that property, these accounts will not be consolidated under another billing account. In the situation where the owner, landlord/manager/management association meter exists, assign the entire stormwater bill to the single billing account of the landlord/manager/management association. Consolidate all other billing accounts serving the center as sub-accounts of the single master stormwater account. Only as a last resort, create a stormwater only account and charge the landlord/manager/association and consolidate the remaining billing accounts as sub-accounts.



AGRICULTURAL PROPERTIES

Commercial agricultural properties (CAUV designation) are to be treated as non-residential properties regardless of size. The impervious area should be measured and used as the basis for calculating the stormwater bill;

1. The Licking County or Fairfield County Auditor's database land use information will be used to categorize all agricultural properties as either residential or non-residential;
2. All agricultural properties which qualify for the CAUV are, by definition commercial, and will be subject to the non-residential fee algorithm;
3. All agricultural properties which do not qualify for, or who have not applied for the CAUV will be assumed to be a residential property and will be charged at the rate of one (1) ERU. However, if other information such as aerial photography, vendor licenses or local knowledge indicates that the property is commercial, it will be treated as a non-residential property.
4. Agricultural property with less than 250 square feet of impervious area is considered to be undeveloped property.

RAILROAD PROPERTY

Railroad lines will be treated as having pervious area and not measured for impervious area or assigned an ERU. However, railroad yards and railroad property other than railroad lines beyond railroad yards are to be treated as non-residential property. The impervious area should be measured and used as the basis for calculating the stormwater bill.

AUTOMOBILE, BOAT OR EQUIPMENT STORAGE

Properties used for automobile, boat or equipment storage including junk yards are considered non-residential property and will have the areas used for automobile, boat or equipment storage determined and assigned an ERU. Areas occupied by the storage of vehicles, boats or equipment will be considered to be impervious based on the outside perimeter of the storage areas. If the vehicles, boats or equipment are stored on gravel or paved surfaces, these areas will be measured and treated as gravel or impervious area. Gravel or paved driveways will be measured and treated as impervious surfaces. All buildings and paved or gravel parking lots are included in the impervious area measurement.

MANUFACTURING OR MATERIAL STORAGE PROPERTIES

Manufacturing properties that use outside and uncovered storage of raw materials including large piles of stone will have the areas beneath and used for storage of materials determined based on the perimeter of the material storage areas. If the raw materials are being stored on gravel or paved surfaces, these areas will be measured and treated as gravel or impervious area. Driveways will be measured and treated as gravel or impervious area. All buildings and paved or gravel parking lots will be included in the impervious area measurement.



EXEMPTIONS

Exemptions are not allowed based on age, tax exemption, non-profit or other status of an individual or organization except for direct governmentally owned or leased property. For purposes of imposing the monthly Stormwater Utility service charge, properties within the Village are classified as Undeveloped, Residential or Non-Residential/Commercial.

Improved public transportation ways located in public right-of-way, including public streets, roads, driveway aprons, sidewalks, mobility paths, bikeways, greenways and trails, airport runways, and internal roads within public facilities, which have been conveyed to the Village and are used by the general public for motor vehicle transportation are defined as being part of the stormwater conveyance system and are not included for Stormwater Utility charges. Exclusion of improved public transportation ways is limited such that they may be included for Stormwater Utility services charges to enforce water quality regulations against State and Federal agencies for water quality impacts as allowed by the Clean Water Act, and to establish co-permittee status for State and Federal roads under the NPDES Phase II stormwater permit program.

RIGHT TO APPEAL

A non-single family residential or non-residential property owner may challenge the ERU multiple assigned to their property by filing an appeal with the Village for adjustment thereof, stating in writing the grounds for the appeal. The Village or the Village's designee shall consider the appeal and determine whether an adjustment of the ERU multiple for their lot or parcel is necessary and adjust the ERU multiple if appropriate.

In order for a property owner to successfully appeal the amount of impervious area used to calculate the ERU multiple, the property owner shall perform the following unless otherwise agreed to in writing by the Village:

- Have an Ohio Registered Professional Engineering or Surveyor determine the amount of impervious area and ERU multiple.
- Have an Ohio Registered Professional Engineering or Surveyor certify the amount of impervious area and ERU multiple with an Engineer's or Surveyor's signature and stamp.
- Provide the name, address and phone number of the certifying Professional Engineer or Surveyor.
- Provide documentation of how the impervious area and the ERU multiple was calculated. Impervious area calculation and ERU multiple calculations shall be in accordance with the Village's Stormwater Utility's policies and procedures.

REFERENCE:

Village of Buckeye Lake Ordinance No. 2013-25 Section 11: Right to Appeal.

A Non-residential property owner may challenge the ERU multiple assigned to his/her property by filing an appeal with the Mayor of the Village of Buckeye Lake or his/her Designee in writing the grounds for the appeal. The Mayor or his/her designee shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.



STORMWATER RATE STUDY

GOAL

The goal of the rate study is to develop a stormwater rate to develop and implement an equitable, self-supporting, and dedicated funding source for stormwater management in the Village of Buckeye Lake. A stormwater rate is a funding mechanism that has been successfully implemented throughout the United States.

MONTHLY USER FEES

Monthly user fees cover the operations, maintenance and replacement costs of the existing storm water management system and construction of new storm drainage and flood management facilities. In creating the utility, the Village declared its intention to impose just and equitable charges on storm water drainage utility users. Impervious surface area plays the single largest role in determining the amount of storm water runoff from a property. Impervious area leads directly to storm water runoff. All single-family residential properties are proposed to be defined as being equal to each other, and form the basis for all other comparisons.

The typical single-family residential property for the Village of Buckeye Lake contains 2,700 square feet of impervious surface area. Therefore, all single-family residential properties will have an equivalent residential unit (ERU) rating of 1.0. An example of a non-residential property with 40,500 square feet of impervious surface area would have an ERU rating of 15.

PROJECTED REVENUES

The following summary table shows the projected revenues for the Stormwater Utility based on November 2017 estimated ERUs if a \$4.00/ERU rate fee is adopted.

PROJECTED STORMWATER UTILITY ANNUAL REVENUES				
ESTIMATED ERUs		PROJECTED ANNUAL REVENUE		
Description	ERUs Anticipated	Rate/ERU/Month	Months	Revenue
Single Family Residential Properties	1026	\$4.00	12	\$49,248
Non-Single Family Residential and Commercial Properties	892	\$4.00	12	\$42,816
TOTALS	1918	\$4.00	12	\$92,064



PROJECTED STORMWATER UTILITY CAPITAL IMPROVEMENT PLAN (CIP)

The following is a summary of the capital improvement plan for the Village of Buckeye Lake.

Buckeye Lake Stormwater CIP List

<u>Anticipated Construction</u>	<u>Project Name</u>	<u>Project Description</u>	<u>Budget Cost Estimate</u>
2018-22	Camera identified issues	Deficiencies identified during camera work	\$10,000.00
2019	Highland Ave Directional Boring	Bore thru hill, connect to existing storm and extend to East St	\$300,000.00
2020	N Bank East Improvements	Upgrade piping; install new where needed	\$500,000.00
2021	7th St / Neil Ave	Upsize pipe from 6" corrugated	\$45,000.00
2021	Leroy Improvements	Walnut to wastewater creek	\$40,000.00
2021	Walnut Rd Improvements	Upgrade from 1st Community Church to No Name Creek	\$45,000.00
2022	No Name Creek Improvements	Clean waterway from SR 360 to N Fork	\$175,000.00
2023	N Bank West Improvements	Upgrade piping; install new where needed	\$400,000.00
Annual	Annual Maintenance	Cleaning, Camera, Admin, rebuild catch basins, street sweeping, etc.	\$35,000.00
Annual	* Debt Service	Stormwater Utility Plan, 2 OPWC loan repayments	\$18,909 \$2,659 \$1,994

* Debt Service; Storm Utility Plan \$16,250 (2019); CQ04J \$665 (2027); CQ28O \$1994 (2042)



PROJECTED STORMWATER UTILITY COSTS

OPERATION AND MAINTENANCE

Maintaining existing facilities is a significant part of the Stormwater Utility budget. This vital task includes street cleaning; inspection and maintenance of ponds; inspection cleaning, and repair of catch basins, manholes, pipes, outfalls, ditches, channels, bridges, etc.

ENGINEERING AND SUPPORT SERVICE

The Village of Buckeye Lake needs to have qualified engineering staff available to provide engineering services to the Stormwater Utility. Qualified engineering staff will be critical to the success of the Stormwater Utility and will help the Stormwater Utility save time and money. Qualified engineering staff will advise and provide guidance on engineering related issues and answer questions related to the Stormwater Utility.

EMERGENCY RESPONSE

The Stormwater Utility will respond to emergency situations involving stormwater. The situations usually will involve crews responding to standing or slowly receding stormwater and flooding during periods of moderate to heavy rainfall. The Stormwater Utility may also need to respond to hazardous spills which may include Ohio EPA coordination.

PUBLIC INVOLVEMENT PROGRAM

The Stormwater Utility will provide public involvement program services to meet the Village's obligations and requirements of the NPDES Permit associated with the Village's stormwater management infrastructure.

ADMINISTRATION AND ENFORCEMENT

The Stormwater Utility will on a regular basis inspect stormwater facilities and stormwater best management practices to ensure owners are in compliance with their Ohio EPA issued General Stormwater Permit.



SUMMARY OF COSTS

The following is a summary of the Stormwater Utility costs for the Village of Buckeye Lake.

Buckeye Lake Loan and Annual Maintenance Breakdown

Annual Maintenance

Cleaning and Camera Work	\$ 9,000
Administration	\$ 8,000
Catch Basins, inlets, curbs, etc.	\$ 10,000
Street Sweeping	<u>\$ 8,000</u>

Total Annual Maintenance **\$ 35,000**

Annual Loan Payments

2020	\$300,000	30 years	\$ 10,000
2021	\$500,000	30 years	\$ 16,667
2023	\$175,000	30 years	\$ 5,833
2024	\$400,000	30 years	<u>\$ 13,334</u>

Total New Debt Payments **\$ 45,834**

2018-19	Existing OPWC Debt and Plan*	\$ 18,909
2020-27	Existing OPWC Debt	\$ 2,659
2028-42	Existing OPWC Debt	\$ 1,994

* Preparation of Stormwater Utility Plan is \$32,500; payback of \$16,250/yr for 2 years
OPWC CA04J payment is \$ 665/yr until 2027
OPWC CQ28O payment is \$1,994/yr until 2042



STORMWATER CREDITS

INTRODUCTION

A stormwater credit is a reduction in a portion of the stormwater utility service charge. The purpose of this guidance document is to set forth the procedure for applying for the credit.

Credit means a reduction in a customer's stormwater service fee given for certain qualifying activities which reduce either the impact of increased stormwater runoff, reduces the Village's costs of providing stormwater management or creates green infrastructure.

There are certain conditions which must be met and applications which must be made that will determine the amount of the stormwater credit. In order to receive certain levels of credits, some engineering calculations and applications are required to be performed by a registered professional engineer. Some applications can be filled out by any property owner. The basic procedure is to pick up an application packet; perform the necessary analysis; fill out the application and submit the required information. The credit will be instituted by the Village after approval of an application.

APPLICATION PROCEDURE

APPLICATION

Obtain a stormwater credits application from:

Village of Buckeye Lake
P.O. Box 27
Buckeye Lake, Ohio 43008
(740) 928-7100

STANDARDS

To be eligible for a stormwater credit the stormwater management standards need to meet the recommendations and requirements of the "Rain Water and Land Development" Ohio's Standards for Storm Water Management Land Development and Urban Stream Protection for support documentation. It can be obtained from the Ohio Department of Natural Resources, Division of Soil and Water Conservation, Fountain Square Court, Columbus, Ohio 43224 (614) 265-6610.

RESTRICTIONS

- The maximum credit to be received will not exceed 50% of the Stormwater Utility bill or result in a charge of less than one (1) ERU.
- No partial credit will be given for any management practice.
- Length of review by Village staff or designee will be approximately 4 to 6 weeks.



KEY CRITERIA

The following are key criteria that must be considered for every credit application.

1. The maximum credit to be received will not exceed 50% of the stormwater bill.
2. Credit will be offered in increments of 5%, rounded to the higher increment.
3. Length of review by Village staff will be approximately 4 to 6 weeks.
4. Credit will only be offered for that portion of the property that the management practice applies. Credits may not be transferred to other properties.
5. Credit applications will not be accepted from any property that has a delinquent utility account.
6. Management practices submitted for credit consideration shall meet current Village of Buckeye Lake drainage requirements where appropriate. Generally these requirements are:
 - a. Flow must be restricted if existing storm sewer cannot be shown as adequate to handle increased discharge.
 - b. All excess stormwater runoff must be retained within the boundaries of the development or stormwater easement and stored in a detention facility as described in the Village of Buckeye Lake Stormwater Design Manual, the Village of Buckeye Lake Subdivision Regulations and/or the Ohio Rainwater and Land Development Manual.
 - c. A professional engineer must determine the storm duration that produces the largest detention requirement and design for that volume.
7. Only those non-single family residential properties that contain five (5) or more ERU's may apply and/or qualify for credits.
8. Credits are not available solely based on compliance with the statewide construction activity general permit. However, if a facility is properly designed and properly constructed to meet the Village of Buckeye Lake stormwater minimum requirements, it can be reviewed and potentially receive credit under this credit program.
9. A right of entry or easement, as applicable, must be provided to the Village in order for credit to be approved.
10. Credit applications must be in the proper form and complete.
11. Credit applications for new construction may be submitted once the facility is placed in operation or when stormwater billing begins, whichever is later.
12. Annual reporting is required by all credit recipients to maintain the service fee reduction.
13. The application fee will be waived for those applicants that apply for credit twelve (12) months from date of implementation of the billing of the Stormwater Utility Service Charge.



ASSEMBLE DATA

Supporting data is needed to support each credit. The type of supporting data varies depending on the type of credit requested as shown in the table below.

SUBMISSION REQUIREMENT	CREDIT TYPE								
	Retention or Detention	Protection, Flood Hazard Area	Education	MAINTENANCE			Brownfield Reuse	Industrial, NPDES	Economic Development
				Public Channels	Adopt A Road	Clean Up Programs			
Site Plans	X	X		X					
Site Survey		X							
Calculations	X	X							
Maintenance Management Plan	X			X					
Maintenance Schedule	X								
Easement	X	X		X			X		
Deed Restriction	X								
Engineer/Survey Stamp	X	X		X					
Education Plan			X						
Adopt A Road Application					X				
Clean Up Documentation						X			
Proof of Brownfield Funding							X		
NPDES Permit								X	
Pollution Prevention Plan								X	
Auditor Record									X



SUPPORTING DATA REQUIREMENTS

SITE PLANS AND SURVEYS

- Adjoining lakes, streams, or other major drainage ways
- Existing and proposed contours
- Impervious delineation and labels (buildings, driveways, etc.)
- Drainage area map, including off-site areas draining through the site
- Size and location of all storm water structures
- Construction Drawings if not previously approved
- Plat Maps
- Engineer or Surveyor Stamp
- County Auditor Maps
- Other permits

CALCULATIONS

- Hydrologic calculations for undeveloped and developed land uses
- Hydraulic calculations stage-discharge relationships of controls
- Floodplain encroachment calculations

MAINTENANCE MANAGEMENT PLAN AND SCHEDULE

- Maintenance Management Plan
- Maintenance schedule of all operations that affect the efficiency of the structural control including mowing, sediment removal, cleaning, planting, monitoring, watering, and channel restoration
- Maintenance Agreement

EASEMENT AND DEED RESTRICTION

(For inspection access and long term maintenance of Best Management Practice)

- Easement
- Deed Restriction
- Other (Describe)

OTHER DATA

- Education Plan
- Adopt-A-Road, Adopt-A-Stream, and/or Adopt-A-Park Application
- Clean Up Participation
- NPDES Permit
- Brownfield Certification
- Pollution Prevention Plan
- Auditor Record
- Other (Describe)



CREDIT ESTIMATION CALCULATION

STEP 1: IMPERVIOUS AREA ESTIMATE

Calculate the estimated impervious area of the property.

- Obtain a “user fee” from the billing statement.
- Divide user fee by the rate (dollars) charged per ERU to determine ERU's.
- Multiply ERU's by 2,700 square feet to determine the approximate amount of impervious area on site. (NOTE: Because bills are based on a rounded ERU, the actual impervious area on the property may be different).

STEP 2: DETERMINE CREDIT AREA

Determine the site area available for credit.

- Determine the percentage of property area benefited by the management practice and BMP.
- Multiply fraction of property benefited by total impervious area to obtain modified impervious area for amended charge.

INSTRUCTIONS FOR COMPLETING THE CREDITS APPLICATION FORM

SECTION A - APPLICANT

- Name, address, e-mail and phone number of the person or persons responsible for stormwater charge.
- Account Number from stormwater billing statement.

SECTION B – SITE INFORMATION

- Location where credit is to be applied.
- Impervious area and ERU's for entire property are based on applicant's estimate (See Credit Estimation Calculation above).

SECTION C – ENGINEER/SURVEYOR OF RECORD (IF REQUIRED BY CREDIT)

- Name, address, e-mail and phone number of the Certifying Engineer.
- Certification includes engineers stamp.

SECTION D – DATA SUBMITTAL CHECK LIST

- List material being submitted in the Credits Application Form.

SECTION E – CREDIT SUMMARY

- Applicant lists credits being applied for in the Credits Application Form.



CREDIT APPLICATION SUBMITTAL

Submit Data, Application and Application Fee (if applicable) to:

Village of Buckeye Lake
P.O. Box 27
Buckeye Lake, Ohio 43008

APPLICATION FEE FOR STORMWATER CREDITS

A credit application will not be considered complete and will not be processed unless it is accompanied by the application fee and all appropriate forms and information required by the Village of Buckeye Lake.

It is the intent of the Village of Buckeye Lake to process applications within sixty (60) days of submittal of the complete and correct application package. Billing adjustments required to implement credits shall be applied retroactively to the date of the customer's complete credit application. A pending application for credit shall not constitute a valid reason for nonpayment of the current Stormwater Utility Service Charges.

In the case of new development, Stormwater Utility Service Charges and the associated credits detailed herein do not apply until construction is complete and as-built data for the stormwater improvement/BMP has been submitted to the Village.

Multiple credits can be applied for with each separately submitted application for credit.

Applications fees are non-refundable.

Applications fees may be required for each separately submitted application for additional credits.

The credit application fee shall:

- Not be required when the credit application is submitted within one (1) calendar year following the implementation of the Stormwater Utility Service Charge
- Be \$100.00 for properties having from 5 to 49 ERU
- Be \$200.00 for properties having 50 or greater ERU



FINAL REQUIREMENTS TO OBTAIN CREDIT

STEP 1: COMPLETE CONSTRUCTION

Construct the credit management facility in accordance with the approved plans, specifications, and design calculations and obtain an inspection of the credit management facility by the Village engineer. Credit will become effective when the structure and/or credits requirements have been completed and operating properly as certified by the Village of Buckeye Lake.

STEP 2: RECORDED INSTRUMENT

Provide an easement, deed restriction, or land purchase agreement that restricts the use of the property for anything but the intended management facility. Submit copy of recording instrument. (i.e. plat).

STEP 3: FACILITY MAINTENANCE

Provide regular maintenance for the facility in accordance with the maintenance management plan.

STEP 4: ANNUAL MANAGEMENT AND MAINTENANCE REPORT

Submit an annual management and maintenance report on each facility. Annual reporting is required by all credit recipients to maintain the service fee reduction. A letter or report that describes the status, operation and maintenance of each management practice is to be submitted to the Village of Buckeye Lake no later than two weeks (14 days) following the anniversary date of the original credit award. Failure to submit the annual report will result in cancellation of the credit. At the discretion of the Village of Buckeye Lake, inspections may be performed in order to confirm the operation and maintenance of the applied management practice or compliance with the approved management plan. The annual report will generally require the following information:

- Utility Billing Account Number
- Applicant statement certifying that the conditions under which the credit was originally issued have substantially remained the same;
- Applicant statement certifying that if structural management practices are receiving credit, they are being inspected and maintained within appropriate standards for the management practice;
- Summary of regular inspection results and summary of maintenance activities.

If a property owner fails to file required inspection or maintenance reports to the Village or if a random Village inspection results in failure, the Village will send a letter informing the property owner of the required action to avoid revocation of the stormwater credits. If the property owner fails to take the required action, the credits will be revoked until the situation is corrected. No retroactive credits will be given during the said lapsed period. Credits will be restored on the effective date of the submittal of the property owner's acceptable response.



CREDITS REQUIREMENTS

DETENTION AND RETENTION

The detention/retention credit option is the most widely used method of credits by a majority of Stormwater programs throughout the United States. Moreover, this method is used and accepted by most engineers as the best example of a peak flows facility.

The principal is to delay (or in the case of retention completely remove all flows) the highest flow from impacting the drainage system. This is accomplished through the construction of small impoundments or dry ponds that fill up during rainstorms. This is the most common form of a stormwater best management practice (BMP).

Design Features:

Detention times vary with most detention times being relatively short. Flow lengths are short and direct to outlet works, and depths vary depending on site conditions.

Note: Depending on the size of the structure and the downstream conditions these facilities could fall under Ohio Department of Natural Resources dam design criteria.

GENERAL POLICIES:

This program is available to all non-single family residential properties or part thereof that meets the specified requirements.

- Credits will be issued on a property-by-property basis for only the portion of the property tributary to the retention/detention facility.
- When a facility is jointly used by several non-single family residential properties under a joint use agreement, including deed restriction, the credit shall be prorated among the properties as a percentage of the tributary area.

CREDITS AVAILABLE:

Retention/Detention credits may be granted for approved facilities that reduce the quantity of stormwater and/or improve the water quality of stormwater as follows:

- A maximum 30% credit may be given for a retention/detention facility that is required by Village standards, Village approved and is functioning as designed for the entire property and accounts for stormwater runoff from all impervious surfaces.
- An additional credit of up to 10% may be given for facilities that provide additional detention/retention that benefits upstream or downstream properties without a joint use agreement or provide additional detention/retention for water quality purposes. This additional credit will be calculated as one tenth of a percent for each one percent increase in detention/retention over the volume required by Village standards.
- An additional credit of up to 10% for demonstration projects of Best Management Practices (BMPs) determined and approved by the Village Engineer designed to meet specific site situations.



BASIC PROCEDURES:

- In order to receive detention/retention credits, the non-single family residential property owner will need to submit an application, including application fee, right of entry easement, if applicable, and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Village Engineer or designee shall inspect the detention/retention facility prior to approving the credit and periodically after the credit is issued to insure compliance with the approved plans.
- If inspections find that the facility has been altered or is not maintained to provide the approved detention/retention, the Village may:
 - Require corrective action;
 - Reduce the credit to a level comparable with the detention/retention provided;
 - Revoke the credit and require repayment.

PRESERVATION OF 100-YEAR SPECIAL FLOOD HAZARD AREA

GENERAL POLICIES:

- This program is available to all non-single family properties or part thereof.
- Credits will be issued on a property-by-property basis.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

Preservation credits may be granted to properties located all or in part in the regulated Special Flood Hazard area. Preservation credits may be granted to preserve the flood hazard area resulting in the reduction of flood damage, improvements in water quality and reduction of water quantity as follows:

- A 20% credit may be given for preserving 100% of the special flood hazard area (excluding the floodway) as pervious areas and without altering the existing ground elevations.
- A credit of up to 10% may be given for preserving portions of the special flood hazard area (excluding the floodway) as buffer and without altering the existing ground elevations. This additional credit will be calculated as one tenth of a percent for each one percent of special flood area (excluding the floodway) preserved as buffer and without altering the existing ground elevations.
- A credit of up to 20% for projects to replace special flood hazard area (excluding the floodway) by construction of flood storage basins or other Best Management Practices (BMPs) determined and approved by the Village Engineer designed to meet specific site situations.

BASIC PROCEDURES:

- In order to receive preservation credits, the non-single family residential property owner will need to submit an application, including application fee, right of entry



easement, if applicable, and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.

- The Village Engineer or designee shall inspect the property prior to approving the credit and periodically after the credit is issued to insure compliance with the approved preservation.
- If inspections find that the preservation area has been altered, the Village may:
 - Require corrective action;
 - Reduce the credit to a level comparable with the preservation provided;
 - Revoke the credit and require repayment.

EDUCATION

Education credits are provided to public and private schools (K through 12) for the purpose of providing water (stormwater, flooding, water quality, and watershed management) type education programs to students. To obtain this credit public and private schools would teach a water curriculum in each grade level. Programs such as “Project WET” developed by the Ohio Water Education Program are an example of a kindergarten through twelfth grade comprehensive water-related curriculum that would provide a basis for credit.

GENERAL POLICIES:

- This program is available to all schools as defined in the zoning code, public or private that offer a compulsory education curriculum for grades K through 12 or part thereof.
- Credits will be issued on a building complex by building complex basis.
- Where a site is jointly used by a school and another use (e.g. church) the stormwater fee will be prorated based on usage and the credit will be issued to the school portion of the fee.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

Stormwater education credits of up to 50% of the stormwater bill may be granted for approved programs providing public awareness and education on stormwater issues as follows:

- Stormwater Educational Curriculum (e.g. Project WET and Project Aquatic WILD) integrated into standard curriculum for 15% of the students in the school;
- Stormwater Educational Activities (e.g. essay contest, poster contest) with participation of 15% of the students;
- Public Service Activities (e.g. Adopt-A-Road, Adopt-A-Stream, Adopt-A-Park, Adopt-A-Trail, River cleanup, or inlet stenciling) involving 5% of the students or utilizing student recruited adults. Where adults are recruited, they shall be credited with 3 equivalent students per each adult participant;
- In Kind Services (e.g. web site development, brochure development, public service announcements, videos or other program related work) as approved by the Village of Buckeye Lake.



- A combination of the above items for an equivalent student participation of 15% or as approved by the Village of Buckeye Lake.

BASIC PROCEDURES:

- In order to receive educational credits, the school will need to submit an application including an education plan. The application will be due by October 1, of each year. The plan shall be reviewed and approved by the Village of Buckeye Lake. Once approved, the credit shall be placed on the appropriate stormwater bill.
- Upon completion of the educational plan or no later than October 1 of each year, the school shall submit an annual report indicating compliance with the approved plan. The annual report shall be broken down by the types of activities and indicate the number of participants. If the school did not substantially comply with the plan, the report will include an explanation of the failure and any needed corrective action. Other reporting requirements may be required as part of the plan approval and shall be included in the annual report.
- The annual report will be reviewed by the Village Engineer. If upon review, the school did not substantially comply with the approved plan, the Village may:
 - Require additional activities as a corrective action;
 - Reduce the education credit to a level comparable with the compliance;
 - Revoke the education credit and require repayment;
 - Refuse approval of any new education plan.

MAINTENANCE CREDITS

The maintenance credit is offered to properties that perform a maintenance activity or activities that would otherwise be required to be performed by Village staff. This should include “natural” stormwater system structures that are properly maintained and are operating for the purposes of water quality and water quantity benefits, and to reduce the burden on the Village maintained stormwater system.

The types of maintenance credits and percentage of the credit will be at the discretion of Village staff. However, the credit percentage should not exceed 50%.

GENERAL POLICIES:

- This program is available to all non-single family residential properties or part thereof.
- Credits will be issued on a property-by-property basis.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

Maintenance credits may be granted to properties that maintain public stormwater open channels or to property owners who participate in an approved Adopt-A-Road, Adopt-A-Trail, Adopt-A-Stream, Adopt-A-Park or other sanctioned Village cleanup programs. Maintenance credits may be granted to reduce operation and maintenance costs to the Village as follows:

- A credit of up to 50% may be given for maintaining public stormwater open channels. The credit will be calculated as one tenth (0.1) percent per lineal foot of channel



maintained. This includes restoring the channel to free flow by removing sediment, vegetation and debris; and protection of the stream bank from excessive erosion.

- A credit of up to 10% may be given for participation in an approved Adopt-A-Road, Adopt-A-Trail or Adopt-A-Stream program. The credit will be based on a signed contract to provide litter collection on a one-mile section of roadway or trail, or one-half (1/2) mile of stream on a schedule to be approved by the Village of Buckeye Lake. The minimum term of the contract shall be three clean ups per year for a three year period.
- A credit of up to 10% may be given for participation in a sanctioned Village cleanup program or Adopt-A-Park program. The credit will be calculated as 1% for each 5 participants in the cleanup program. The credit shall be granted for a period of no more than one year from the sanctioned program.

BASIC PROCEDURES:

- In order to receive maintenance credits, the non-single family residential property owner will need to submit an application, including application fee, right of entry easement, if applicable, maintenance plan and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Village Engineer or designee shall inspect the property to determine if the proposed maintenance will reduce operation and maintenance costs to the Village. If the proposal is approved for maintenance credit, the Village Engineer shall periodically inspect the property to insure compliance with the approved maintenance plan.
- In order to receive credit for participation in an approved Adopt-A-Road, Adopt-A-Trail, Adopt-A-Stream or Adopt-A-Park Program, the non-single family residential property owner will need to submit an application including application fee, and a request for roadway, trail, stream or park designation. Only roadways, trails, streams or parks designated by the Village shall be approved for adoption and cleanup work must be completed in accordance with a schedule approved by the Village of Buckeye Lake.
- In order to receive credit for participation in a sanctioned cleanup program, the non-single family residential property owner will need to submit an application including application fee and tentative list of participants. Participants must register at the event and identify themselves as credit program participants. A single participant may be credited only to one stormwater account.
- If periodic inspections find that the property owner is not following the approved maintenance plan, the Village may:
 - Require corrective action
 - Reduce the credit to a level comparable with the cleanup provided
 - Revoke the credit and require repayment
- If a participant in an Adopt-A-Road, Adopt-A-Trail, Adopt-A-Stream or Adopt-A-Park program fails to comply with the conditions of the contract, the Village may:
 - Require corrective action on a schedule determined by the Village of Buckeye Lake
 - Reduce the credit to a level comparable with the contract completion
 - Revoke the credit and require repayment



BROWNFIELD REUSE

The Brownfield Reuse Credit is given on a limited time frame of 5 years to a property from the time of purchase, upon certification of reuse from the EPA.

GENERAL POLICIES:

- This program is available to all non-single family residential properties or part thereof.
- Credits will be issued on a property-by-property basis.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

Brownfield Reuse credits may be granted to properties receiving Brownfield Cleanup funds under Ohio Revised Code (ORC) 122. Brownfield Reuse credits may be granted to improve water quality from stormwater discharges as follows:

- A 10% credit may be given for a period of five years following activation of the project.

BASIC PROCEDURES:

- In order to receive Brownfield Reuse credits, the non-single family property owner will need to submit an application, including application fee, right of entry easement, if applicable, proof of funding under Ohio Revised Code (ORC) 122 and any required engineering plans and calculations stamped by a registered professional engineer. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Village Engineer or designee shall inspect the property prior to approving the credit and periodically after the credit is issued to insure compliance with the approved cleanup plan.
- If inspections find that the cleanup is no longer proceeding, the Village may:
 - Require corrective action
 - Reduce the credit to a level comparable with the cleanup work provided
 - Revoke the credit and require repayment

INDIVIDUAL INDUSTRIAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):

An individual Industrial NPDES credit is provided for properties that are classified as industrial and covered by an individual Industrial NPDES Stormwater Discharge Permit or properties classified as a Phase 1 or Phase 2 community and operating under an individual or general Municipal Separated Storm Sewer Systems Permit. However, this does not include properties that fall under the state wide general Construction Activity permit.

GENERAL POLICIES:

- This program is available to all non-single family residential properties or part thereof.
- Credits will be issued on a property-by-property basis.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

NPDES credits may be granted to properties receiving and operating under an individual industrial National Pollution Discharge Elimination System Permit for stormwater or an individual or general Municipal Separated Storm Sewer System Permit issued by the United



States Environmental Protection Agency or delegated state authority. NPDES credits may be granted to recognize improved stormwater management and water quality from stormwater discharges as follows:

- A 10% credit may be given for a valid NPDES permit covering stormwater charges.

BASIC PROCEDURES:

- In order to receive NPDES credits, the non-single family residential property owner will need to submit an application, including application fee, right of entry easement, if applicable, and proof of a valid NPDES permit and Stormwater Pollution Prevention Plan, if applicable. If approved, the credit shall be placed on the appropriate stormwater bill.
- The Village Engineer or designee shall investigate the status of the NPDES permit to determine if it is valid and appropriate.
- If the NPDES permit is revoked or enforcement action is taken by the issuing authority, the Village may:
 - Require corrective action
 - Revoke the credit and require repayment

ECONOMIC DEVELOPMENT CREDIT

Economic Development Credit may be granted to commercial properties classified by the Village of Buckeye Lake as being located within a community reinvestment area having commercial water service.

GENERAL POLICIES:

- This program is available to all non-single family properties or part thereof.
- Credits will be issued on a property-by-property basis.
- The Village Engineer or designee shall inspect the property prior to approving the credit to determine that the property falls under the appropriate land use code and periodically to insure that the proper land use code applies.
- In no case will the total credit amount be more than the 50% cap identified.

CREDITS AVAILABLE:

Economic development credit may be granted to properties classified as commercial by the County Auditor by their land use codes or by the Village of Buckeye Lake. The credit may be granted as follows:

- A 10% credit may be given for a valid land use code as identified by the Licking County or Fairfield County Auditor.
- Or, at the discretion of the Village a 10% credit may be given for providing job opportunities in the Village.

BASIC PROCEDURES:

- In order to receive economic development credit, the non-single family residential property owner will need to submit an application, including application fee, and copy



of the County Auditor record. If approved, the credit shall be placed on the appropriate stormwater bill.

- The Village Engineer or designee shall investigate the status of the land use to determine if it is valid and appropriate.
- If the land use changes, the Village may:
 - Revoke the credit and require repayment

PHASE-IN-CREDIT

A Phase-In-Credit will be available to all non-single family residential properties with an Equivalent Residential Unit Calculation before credits of 50 ERU or greater.

- Credits will be issued on a property by property basis.
- A 40% credit may be given for billing cycles billed within the calendar year of 2018.
- A 20% credit may be given for billing cycles billed within the calendar year of 2019.

CREDIT SUMMARY

- Detention/Retention (10% to 50%)
- Preservation/Flood Hazard Area (10% to 50%)
- Education Credit (Up To 50%)
- Maintenance Credit (Up to 50%)
- Brownfield Reuse Credit (10%)
- Individual Industrial NPDES Permit Credit (10%)
- Economic Development Credit (10%)
- Phase-In-Credit (40%) for 2018)
- Phase-In-Credit (20%) for 2019)

FORMS FOR CREDIT

Acceptable application forms to apply for stormwater credits are included in the appendix of this document.



DEFINITIONS

Abatement means any action taken to remedy, correct, or eliminate a condition within, associated with or impacting a drainage system.

Adjustment means a modification in a non-residential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the Village's costs of providing storm water management.

Apartment Property is defined as a lot or parcel of real estate on which is situated a building containing three (3) or greater single-family dwelling units.

Approved Plans shall mean plans approved according to a permits and plan review which will govern all improvements made within the Village that require storm water facilities or changes or alterations to existing storm water facilities.

Best Management Practices (BMPs) are structural, vegetative or managerial practices used to treat, prevent or reduce water pollution. Best Management Practices (BMPs) include schedule 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 to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

Code means the Village of Buckeye Lake Municipal Code.

Community shall mean the Village of Buckeye Lake, its designated representatives, boards, or commissions.

Condominium Property is defined as a lot or parcel of real estate on which is situated a building containing three (3) or greater individually owned single family dwelling units.

Credit means a reduction in a customer's stormwater service fee given for certain qualifying activities which reduce either the impact of increased stormwater runoff, reduces the Village's costs of providing stormwater management or creates green infrastructure.

Customer shall mean the person or entity to which a bill for stormwater fees is sent. Customers may include the owner, or a homeowner's association with responsibility for property or for common areas associated with the property, or a person or entity who has requested in writing to be the recipient of the fee for a property.

Customer Account shall mean a utility service account maintained by the Village for Customers within the Village limits.

Detention is described as the temporary storage of stormwater runoff in a basin, pond, or other structure to control the peak discharge rate by holding the storm water for a lengthened period of time.

Detention Facility shall mean an area designed to store excess stormwater.

Developed Agricultural Property is defined as a lot or parcel of real estate which may contain one (1) or greater dwelling units and/or other building structures.



Developed Property shall mean any parcel of land that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. These modifications include, but are not limited to, clearing, grading, cementing, filling or compacting the natural ground, or erecting or constructing buildings, parking lots, driveways, patios, decks, walkways, and athletic courts.

Drainage Area shall mean the watershed (acreage) contributing surface water runoff to the Village's storm drainage system.

Dry Bottom Stormwater Storage Area means a detention facility designed to be normally dry and contain water only when excess stormwater runoff occurs.

Engineering Professional means a person holding a certificate of registration under O.R.C. §§ 4733.14 or 4733.19.

Erosion means the wearing away of the land surface by the action of wind, water or gravity.

Excess Stormwater means that portion of stormwater which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

Facilities shall mean various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

Flooding: Stormwater runoff from intense rainfall can at times exceed the carrying capacity of the stormwater piping system creating a backup in the system, flooding of roads, yards and basements.

Equivalent Residential Unit (ERU) shall mean the basic unit for the computation of stormwater service charges and is defined as 2,700 square feet of impervious area which represents the estimated median impervious area for all developed, detached single-family properties in the Village.

Excavation means any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom. The difference between a point on the original ground and designated point of lower elevation on the final grade, cut or the material removed in excavation.

Existing means the present or in effect as of the time of adoption of the Stormwater Utility.

Existing Stormwater Control Measure shall mean the stormwater control measures that were fully constructed and approved by the Village under stormwater management standards that existed prior to the implementation of the Monthly Service Charge.

Facilities means the various drainage works that may include inlets, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.

Grading means any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its cut or filled condition.



Green Infrastructure means stormwater quality or quantity BMPs that provide a function in addition to stormwater management such as water reuse, providing greenspace or habitat in the Village, and/or reducing greenhouse gas emission reduction. Examples of stormwater green infrastructure include bioretention facilities, permeable pavement, green roofs, and rainwater harvesting.

Impervious Area shall mean the horizontal projection of any part of any parcel of land that has an impermeable cover caused to be erected or constructed by the action of persons, and such covers include, but are not limited to, buildings, parking lots, driveways, concrete, patios, decks, walkways, and athletic courts.

Infiltration is defined as a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.

Maintain or Maintenance shall mean any action necessary to keep stormwater control measures and devices in proper working condition, so that such Control Measures will continue to comply with applicable Village Ordinances to prevent safety hazards, public nuisances, and the failure of stormwater control measures and devices to function as intended. Maintenance includes activities identified on approved stormwater control plans, any applicable stormwater operations and maintenance manual, any applicable agreements or certifications to the Village, and those activities outlined in the Village's Ordinances.

Monthly Service Charge shall mean the Stormwater Management Fee charged to a Customer for stormwater services on a monthly basis.

Multifamily Residential Properties shall mean and include all residential development not classified as single-family residential. Common areas associated with such properties shall be included in the charge to the multifamily units on such properties.

New Stormwater Control Measure shall mean the Stormwater Control Measures that were fully constructed and approved by the Village under stormwater management standards constructed after the implementation of the Monthly Service Charge.

Nonresidential/Commercial Properties shall mean and include all developed property that is not primarily used for residential purposes. Nonresidential properties will include:

- Agricultural properties with CAUV designations
- Apartment properties
- Two story or greater condominium properties
- Mobile home parks with rented spaces (parcel not owned)
- Commercial property
- Industrial property
- Institutional property
- Churches
- Schools
- Federal, State and Local Government properties
- Any other property that is not a residential property and not mentioned in this list

NPDES means National Pollutant Discharge Elimination System.

NPDES Permit means a permit issued pursuant to the 1972 Clean Water Act.



Offsite Drainage shall mean stormwater runoff that did not originate on the subject property and flows to the property overland or through a network of natural or man-made drainage systems.

Owner shall mean the person or entity with legal responsibility for property and/or facilities, including stormwater management facilities.

Peak Discharge or Peak Flow is the maximum rate of flow of water passing a given point during or after a rainfall event.

Pervious Pavements are designed to allow infiltration of stormwater through the surface into the soil below where water is naturally filtered and pollutants are removed. Pervious pavements may include paving blocks, grid pavers, pervious concrete or pervious asphalt. Gravel is not considered pervious.

Pollution: When rain falls, stormwater flows across impervious surfaces such as roadway pavement, driveways, parking lots and rooftops. It mobilizes contaminants and animal waste, and picks up chemicals such as oil, pesticides, trash and sediment and transports it all to bodies of water.

Post-Developed Conditions shall mean the condition of a property following any development activity on the parcel. For upstream areas, this refers to complete build-out conditions as determined from current zoning.

Pre-Developed Conditions shall mean the condition of a property before development occurs on the parcel.

Private Stormwater Facilities are defined as various stormwater and drainage works not under the ownership of the Village, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, catch basins, curb and gutter, ditches, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

Public Stormwater Facilities are defined as various stormwater and drainage works under the ownership of the Village, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, catch basins, curb and gutter, ditches, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.

Public Stormwater Open Channel means all open channels, which convey, in part or in whole, stormwater and are owned by the Village, which have a permanent drainage/easement granted to the Village and does not include roadside ditches.

Rain Garden: A rain garden is a landscaped area in a depression de-signed to capture and filter stormwater runoff from an impervious surface.

Receiving Water shall mean those creeks, streams, rivers, lakes, sinkholes and other bodies of water into which surface waters are directed, either naturally or in manmade ditches, pipes or open systems.

Residential Property shall mean all single-family residential properties, single-story condominium dwelling units and mobile home units with separate parcels and separate billing accounts and two-family duplex properties.



Retention is defined as the holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.

Retention Facility means a facility, which provides storage of stormwater runoff and is designed to eliminate subsequent surface discharges.

Single Family Residential Property shall mean a standalone house (also called a single-detached dwelling, detached residence or separate house) is a free-standing residential building and shall include all contiguous lots or parcels without a standalone house.

Soil Erosion: Uncontrolled stormwater rapidly increases the amount of water flowing into a stream, which, over time, can wash away stream banks.

Square Footage of Impervious Area means for the purpose of assigning an appropriate number of ERUs to a parcel of real property the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.

Storm Sewer means a sewer, piping or natural structure which carries stormwater, surface runoff, street wash waters and drainage but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.

Stormwater: Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from natural precipitation including snowmelt runoff.

Stormwater Basin Area shall mean the horizontal area occupied by detention/retention basins at the design maximum water surface elevation.

Stormwater Control Measure shall mean any device constructed to manage stormwater quantity and/or quality. Another term used for a Stormwater Control Measure is Control Measure or Best Management Practice (BMP).

Stormwater Detention Basin shall mean a facility, either natural or manmade, that collects and contains stormwater runoff and allows the release of the stormwater through a structure that is designed to control the rate of the release of the stormwater, as acknowledged by the Village.

Stormwater Detention/Retention Basin shall mean a facility, either natural or manmade, that performs a combination of both a stormwater detention basin and a retention basin, as acknowledged by the Village.

Stormwater Fee Adjustment shall mean a change made to a fee to correct an overcharge or an undercharge of the customer's stormwater fee.

Stormwater Fee Credit shall mean a reduction a customer receives for implementing practices that mitigate the peak discharge or runoff pollution or decrease the Village's cost of maintaining the system beyond standard (base) requirements.



Stormwater Management Design Standards shall mean the design and maintenance standards for Control Measures found in the Village Ordinances and/or the stormwater criteria defined in the *“Rain Water and Land Development”* Ohio’s Standards for Storm Water Management Land Development and Urban Stream Protection for support documentation. It can be obtained from the Ohio Department of Natural Resources, Division of Soil and Water Conservation, Fountain Square Court, Columbus, Ohio 43224 (614) 265-6610.

Stormwater Management Fee (Fee) is the Fee charged to provide stormwater services to developed land. The Fee is based upon the Equivalent Residential Unit (ERU) method as calculated for that property.

Stormwater Management Utility Fund is the fund that includes all revenues generated by the Stormwater Management Fee, grants, or other funding sources from which all expenditures related to Stormwater Management Services shall be paid. Expenditures from the fund for activities that are not related to the Village’s stormwater management services shall not be permitted, except for a prorated charge for general Village government services that relate to the overall administration of the Stormwater Management Utility.

Stormwater Management Services are defined as the stormwater management programs designed to protect water quality and quantity by controlling the level of pollutants in, and the quantity and flow of, stormwater and the servicing of structural and natural stormwater and management systems owned or controlled by the Village. Stormwater Management Services include any cost necessary to ensure that all aspects of stormwater quality and quantity are managed in accordance with federal and state laws, regulations and rules, and costs related to the mapping, planning, construction, operation, maintenance, inspection, management and regulation of the stormwater management system and the regulation of impervious surface and stormwater.

Stormwater Management System shall mean and include all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable receiving water body or location internal or external to the boundaries of the Village. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, inlets, swales, detention/retention basins, ponds and other stormwater conveyance and treatment facilities.

Stormwater Quantity Control Facility means a facility, which provides temporary storage of stormwater runoff in ponds, parking lots, depressed areas, buried underground vaults or tanks, etc., for future release, and is used to attenuate flow for infrequent storm events. Stormwater facilities within this category do not meet the definition of green infrastructure.

Stormwater Retention Basin shall mean a facility, either natural or manmade, that collects and contains stormwater runoff and only allows the release of the stormwater runoff by one or more of the following: evaporation, percolation into the natural ground and/or percolation into a manmade filtration system that may convey the stormwater runoff to a stormwater management system, as acknowledged by the Village.

Stormwater Retention Volume shall mean the maximum capacity of a stormwater retention basin(s).



Stormwater Runoff is precipitation from rain or snow that does not soak into the ground. Impervious surfaces such as driveways, parking lots, roads, sidewalks, streets and roofs prevent stormwater runoff from naturally soaking into the ground. Urban stormwater is the number one source of surface water pollution in the U.S. and causes public safety hazards, health risks and environmental threats.

Stormwater Services Charge is defined as a charge assessed to users and contributors of flow to the Village's stormwater collection, impounding and transportation system.

Stormwater System means all man-made facilities, structures, and natural watercourses owned by the Village of Buckeye Lake, used for collection and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees and pumping stations.

Tenants shall mean the person or party who is legally responsible for conditions established in a signed lease agreement with a landowner for residential, non-single family residential and commercial properties.

Undeveloped Property shall mean any real property that is not developed property.

Village shall mean the Village of Buckeye Lake, its staff and elected officials.

Watercourse means a permanent or intermittent stream, river, brook, creek, channel, swale or ditch for water whether natural or manmade.

Water Quality describes the condition of the water (including chemical, physical, and biological characteristics) usually associated with the water's suitability for a particular purpose such as for drinking, swimming, supporting wildlife habitat or maintaining a healthy marine ecosystem.

Wet Bottom Stormwater Storage Area means a detention facility designed to be maintained as a pond or free water surface and which has the capacity to contain excess stormwater runoff.



REFERENCE SOURCES & RESOURCES

The criterion included in this document has been developed from information obtained from the following resources:

- 1) "Subdivision Regulations" for Village of Buckeye Lake, Land Division Regulations, Congestion Prevention Regulations and Thoroughfare Plan Addendum.

<http://buckeyelakevillage.com/wp-content/uploads/2011/09/Buckeye-Lake-Subdivision-Regulations.pdf>

- 2) "Rain Water and Land Development" 2006, Ohio's Standards for Storm Water Management Land Development and Urban Stream Protection for support documentation. It can be obtained from the Ohio Department of Natural Resources, Division of Soil and Water Conservation, Fountain Square Court, Columbus, Ohio 43224 (614) 265-6610.

http://epa.ohio.gov/Portals/35/storm/technical_assistance/Intro_11-6-14-1.pdf

- 3) Ohio Department of Transportation (ODOT) Location & Design Manual, Volume Two, Drainage Design, available at ODOT Office of Hydraulic Engineering 1980 West Broad Street, Columbus Ohio 43223, Phone: (614) 466-7170

<http://www.dot.state.oh.us/Divisions/Engineering/Hydraulics/LOCATION%20AND%20DESIGN%20VOLUME%202/Pages/LandD-Vol-2.aspx>

- 4) "Community Solutions for Stormwater Management" A Guide for Long-Term Planning, 2016, United States Environmental Protection Agency. The purpose of this guide is to assist EPA, states and local governments in developing new or improving existing long-term stormwater plans that inform stormwater management implemented by communities on the ground. The document describes how to develop a comprehensive long-term community stormwater plan that integrates stormwater management with communities' broader plans for economic development, infrastructure investment and environmental compliance.

https://www.epa.gov/sites/production/files/2016-10/documents/draftlongtermstormwaterguide_508.pdf

- 5) Village of Buckeye Lake Ordinance No. 2013-07; An Ordinance to Adopt a Comprehensive Stormwater Management Plan for the Village of Buckeye Lake

<http://buckeyelakevillage.com/wp-content/uploads/2013/03/Ordinance-2013-07-Adopting-a-Comprehensive-Stormwater-Management-Plan-for-the-Village-of-Buckeye-Lake.pdf>



6) Village of Buckeye Lake Ordinance No. 2013-25; An Ordinance to Establish a Stormwater Utility in Order to Establish a Stormwater Rate Structure; The Stormwater Utility will provide for the Funding of the Operation, Maintenance and Improvement of the Stormwater System within the Village of Buckeye Lake.

<http://buckeyelakevillage.com/wp-content/uploads/2013/12/Ordinance-2013-25-Establishing-a-Stormwater-Utility-in-order-to-Establish-a-Stormwater-Rate-Structure.pdf>

7) City of Newark, Ohio, Stormwater Utility, Stormwater Documents

<http://www.newarkohio.net/city-services/stormwater/stormwater-documents>

8) City of Lancaster, Ohio, Stormwater Management Website

<https://www.ci.lancaster.oh.us/231/Stormwater>

9) City of Hilliard, Ohio, Stormwater Management Website

<http://www.hilliardohio.gov/government/departments/public-service/engineering-division/stormwater-management>

10) City of Reynoldsburg Storm Water Utility Website

<http://www.ci.reynoldsburg.oh.us/departments/street/storm-water-utility.aspx>

11) Village of Groveport Stormwater Utility Website

<http://www.groveport.org/157/About-Stormwater-Utility>

12) Licking County Tax Parcel Viewer Website

<http://apps.lcounty.com/maps/taxparcelviewer/default.htm>

13) Fairfield County Tax Parcel Viewer Website

<http://realestate.co.fairfield.oh.us/Map.aspx>



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APPENDIX

- A. **Village of Buckeye Lake Stormwater Credit Application Form**
- B. **Village of Buckeye Lake Stormwater Maintenance Credit Agreement**
- C. **Village of Buckeye Lake Ordinance No. 2013-25; An Ordinance to Establish a Stormwater Utility in Order to Establish a Stormwater Rate Structure; The Stormwater Utility will provide for the Funding of the Operation, Maintenance and Improvement of the Stormwater System within the Village of Buckeye Lake.**

VILLAGE OF BUCKEYE LAKE
STORMWATER CREDIT APPLICATION FORM

SECTION A - APPLICANT

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: () _____ Fax: () _____
Email: _____
Account Number: _____

SECTION B - SITE INFORMATION

Name: _____
Stormwater Billing Account No: _____
Location: _____

Impervious Area: _____ ERU's _____

SECTION C - ENGINEER OF RECORD

Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: () _____ Fax: () _____
Email: _____

ENGINEER'S CERTIFICATION:

Name: _____ Title: _____
Signature: _____ Date: _____

ENGINEER'S SEAL:

VILLAGE OF BUCKEYE LAKE
STORMWATER CREDIT APPLICATION FORM

SECTION D – DATA REQUIRED FOR SUBMITTAL

TYPE OF DATA	SUBMITTED	ACCEPTED
Site Plan and Survey		
Design Calculations		
Construction Drawings (As-Built, Proposed Construction)		
Maintenance Agreement And Manual		
Easement, Deed Restriction for Long Term Maintenance		
NPDES Permit, Other Information		
Brownfield Certification, Other Information		

SECTION E – STORMWATER CREDIT SUMMARY

CREDIT OPTION	AVAILABLE CREDIT	CREDIT REQUESTED
Detention/Retention	10% to 50%	
Preservation/Flood Hazard Area	10% to 50%	
Education	50% Maximum	
Maintenance (i.e., Adopt A Road)	50% Maximum	
Brownfield Reuse	10%	
Industrial NPDES Permit	10%	
Economic Development	10%	
Phase In	20% to 40%	
TOTAL*	50% Maximum	

* The maximum credit to be received will not exceed 50% of the stormwater charge.

APPLICANT:

Name: _____ Title: _____

Signature: _____ Date: _____

VILLAGE OF BUCKEYE LAKE
STORMWATER MAINTENANCE CREDIT AGREEMENT

APPLICANT

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Fax: () _____

Email: _____

Stormwater Billing Account No: _____

PROJECT INFORMATION

Name of Project: _____

Location: _____

Type of Management Practice: _____

APPLICANT CERTIFICATION:

I hereby request consideration for a Stormwater Maintenance Credit. I certify that I have authority to make such a request and authorization for this property. I further certify that the above information is true and correct to the best of my knowledge and belief. I agree to maintain the above stated Management Practice to the prescribed criteria according to the Village of Buckeye Lake. I hereby release the Village of Buckeye Lake from any maintenance responsibility whatsoever on the above identified management practice located on my property. I agree to provide corrected information should there be any change in the information provided herein.

Name: _____ Title: _____

Signature: _____ Date: _____

ORDINANCE 2013-25

AN ORDINANCE TO ESTABLISH A STORMWATER UTILITY IN ORDER TO ESTABLISH A STORMWATER RATE STRUCTURE, WHICH WILL PROVIDE FOR THE FUNDING OF THE OPERATION, MAINTENANCE, AND IMPROVEMENT OF THE STORMWATER SYSTEM WITHIN THE VILLAGE OF BUCKEYE LAKE.

WHEREAS, the Village of Buckeye Lake currently owns and operates a stormwater system for the collection and disposal of storm and other surface waters and for flood control; and

WHEREAS, the constitution of the State of Ohio, Article XVIII, Section 4, authorizes municipalities to operate a public utility; and

WHEREAS, the 1972 Federal Clean Water Act, amended by the Water Quality Act of 1987, U.S. EPA and Ohio EPA regulates the Village's operation of this system, and will be required to implement programs to improve the quality of storm water; and

WHEREAS, the Village of Buckeye Lake is conducting a storm water utility program strategic plan, level of service analysis, cost of service analysis, organizational analysis and rate study analysis, cash flow analysis, identifying and analyzing problems, needs, missions, goals, and financing and management options, which is hereby incorporated by reference; and

WHEREAS, the Village of Buckeye Lake is conducting a stormwater management program cost of service and rate study, identifying and analyzing problems, needs, goals, and financing and management options, which is hereby incorporated by reference; and

WHEREAS, Village Council finds that the repair, replacement, improvement and regulation of the stormwater system is necessary to prevent further deterioration of the existing system, prevent or reduce flooding and to prevent water pollution; and

WHEREAS, it is the intent of the Village of Buckeye Lake that the costs of the operation, maintenance, and improvements of the stormwater system be borne by the users of the system in relation to their individual contributions of stormwater to the system; and

WHEREAS, it is necessary and desirable and in the best interests of the Village, its citizens, and the users of the stormwater system to establish a mechanism for the financing of facilities, systems and services provided by the Village of Buckeye Lake and the stormwater management program charge, which shall be designated the stormwater service charge, and shall be imposed and collected as provided in this ordinance; and

WHEREAS, the stormwater service charge should be fair, equitable, revenue sufficient, and reflect the relative contribution of stormwater runoff from a property, benefits enjoyed, and services received by each property as a result of the collection of surface water, and should consider the impervious area of the various properties within the

Village, because the extent of storm and surface water runoff from a particular lot or parcel is largely a function of its impervious area; and

WHEREAS, the Village will adopt rules and regulations to properly manage and maintain the stormwater system; and

WHEREAS, the Village of Buckeye Lake will establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as necessary to protect the water quality; and

WHEREAS, the Village will review and approve plans and plats for stormwater management in proposed subdivision or commercial developments; and

WHEREAS, the Village may suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution or condition of the permit; and

WHEREAS, the Village is responsible for the protection and preservation of the public health, safety, and welfare of the community, and the environment and finds that it is in the best interest of the health, safety, and welfare of the citizens of the Village and the community at large and the environment to proceed with the development, implementation, and operation of a stormwater utility program; and

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Buckeye Lake, Ohio the "Stormwater Utility" be set forth hereafter as follows:

Stormwater Utility

- Section 1: Purpose and objective.
- Section 2: Creation of a Stormwater Utility Program.
- Section 3: Definitions
- Section 4: Funding the Stormwater Utility Program
- Section 5: Stormwater Utility Program Fund
- Section 6: Stormwater Utility Operating Budget
- Section 7: Rate Structure and Charges and Fees
- Section 8: Stormwater Only Accounts.
- Section 9: Necessity for Charges
- Section 10: Powers of Director of Public Service
- Section 11: Right to appeal
- Section 12: Collection
- Section 13: Adjustments to Stormwater Service Charges
- Section 14: Payment of Charges

Section 1: Purpose and objective.

The Village Council finds, determines and declares that the stormwater system, which provides for the collection, treatment, storage, and disposal of stormwater, provides benefits and services to all property within the village limits. Such benefits include, but

are not limited to: the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvements in general health and welfare through reduction of undesirable stormwater conditions; and improvements to the water quality in the stormwater and surface water system and its receiving waters.

Section 2: Creation of a Stormwater Utility Program.

The function of the newly created Stormwater Utility Program Department is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems; to fund activities of stormwater coordination, construction, operations, maintenance, inspection and enforcement activities.

It is the express intent of this newly created stormwater utility program, to protect the public health, safety and welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any special parcel within or outside the boundaries of the Village. The Village expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the Village, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

Section 3: Definitions

Whenever used in this section 3 the meaning of the following words and terms shall be defined in this section:

- 3.1 "Abatement" means any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.
- 3.2 "Adjustment" means a modification in a non-residential customer's stormwater service fee for certain activities that impact stormwater runoff or impacts the Village's costs of providing stormwater management.
- 3.3 "Developed Agricultural Property" is defined as a lot or parcel of real estate which may contain 1 or greater dwelling units and/or other building structures but does not include undeveloped properties.
- 3.4 "Apartment Property" is defined as a lot or parcel of real estate on which is situated a building containing 3 or greater single-family dwelling units.
- 3.5 "Condominium Property" is defined as a lot or parcel of real estate on which is situated a building containing 3 or greater individually owned single-family dwelling units.
- 3.6 "Approved plans" shall mean plans approved according to a permits and plan review which will govern all improvements made within the Village that require stormwater facilities or changes or alterations to existing stormwater facilities.
- 3.7 "Code" means the Village of Buckeye Lake Municipal Code.
- 3.8 "Detention" is described as the temporary storage of stormwater runoff in a basin, pond, or other structure to control the peak discharge rate by holding the stormwater for a lengthened period of time.
- 3.9 "Detention facility" means an area designed to store excess stormwater.
- 3.10 "Director" means the Director of Public Works, Village of Buckeye Lake, Ohio.

- 3.11 "Equivalent Residential Unit (ERU)" is a value, equal to 2,700 square feet of measured impervious area and is equal to the average amount of impervious area of residential properties within the Village of Buckeye Lake.
- 3.12 "Facilities" means various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, channels, outlets, retention/detention basins, and other structural components.
- 3.13 "Impervious area" means areas that have been paved and/or covered with building and materials, which include, but are not limited to, concrete, asphalt, rooftop, and blacktop.
- 3.14 "Infiltration" is defined as a complex process of allowing runoff to penetrate the ground surface and flow through the upper soil surface.
- 3.15 "Non-residential properties" are all properties not encompassed by the definition of Residential and shall be defined as Non-residential. Non-residential properties will include:
- Agricultural properties with CAUV designations;
 - Apartment properties;
 - Two Story or Greater Condominium properties;
 - Mobile Home Parks with Rented Spaces (parcel not owned);
 - Commercial property;
 - Industrial property;
 - Institutional property;
 - Government property;
 - Churches;
 - Schools;
 - Federal, State, and Local properties; and
 - Any other property not mentioned in this or the list of residential properties below.
- 3.16 "NPDES" means National Pollutant Discharge Elimination System.
- 3.17 "NPDES Permit" means a permit issued to the Village pursuant to the 1972 Clean Water Act.
- 3.18 "Peak Discharge" or the "Peak Flow" is the maximum rate of flow of water passing a given point during or after a rainfall event.
- 3.19 "Private stormwater facilities" are defined as various stormwater and drainage works not under the ownership of the Village, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, catch basins, curb and gutter, ditches, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
- 3.20 "Public stormwater facilities" are defined as various stormwater and drainage works under the ownership of the Village, County, State, and/or Federal government which may include inlets, conduits, pipes, pumping stations, manholes, structures, channels, outlets, catch basins, curb and gutter, ditches, retention or detention basins, other structural components and equipment designed to transport, move or regulate stormwater.
- 3.21 "Public stormwater open channel" means all open channels, which convey, in part or in whole, stormwater, stormwater, and are owned by the Village, which have a permanent drainage/easement granted to the Village and does not include roadside ditches.

- 3.22 "Residential property" means all single-family, single story condominium dwelling units, mobile home units with separate parcels and separate billing accounts and two-family duplex properties within the Village of Buckeye Lake.
- 3.23 "Retention" is defined as the holding of stormwater runoff in a constructed basin or pond or in a natural body of water without release except by means of evaporation, infiltration, or emergency bypass.
- 3.24 "Retention facility" means a facility, which provides storage or stormwater runoff and is, designed to eliminate subsequent surface discharges.
- 3.25 "Square footage of impervious area" means, for the purpose of assigning an appropriate number or ERUs to a parcel of real property, the square footage of all impervious area using the outside boundary dimensions of the impervious area to include the total enclosed square footage, without regard for topographic features of the enclosed surface.
- 3.26 "Stormwater" means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- 3.27 "Storm sewer" means a sewer, piping or natural structure, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than unpolluted cooling water.
- 3.28 "Stormwater service charge" is defined as a charge assessed to users and contributors of flow to the Village's stormwater collection, impounding and transportation system.
- 3.29 "Stormwater system" means all man-made facilities, structures, and natural watercourses owned by the Village of Buckeye Lake, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, and and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gulches, gullies, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.
- 3.30 "Excess Stormwater" means that portion of stormwater, which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.
- 3.31 "Dry bottom stormwater storage area," means a detention facility designed to be normally dry and contain water only when excess stormwater runoff occurs.
- 3.32 "Wet bottom stormwater storage area," means a detention facility designed to be maintained as a pond or free water surface, and which has the capacity to contain excess stormwater runoff.

Section 4: Funding the Stormwater Utility Program

Funding for the stormwater utility's activities may include, but are not limited to: Stormwater service charges; Stormwater permits and inspection fees; other funds or income obtained from federal, state, locals, and private grants, or loans.

Section 5: Stormwater Utility Program Fund

All service charges and all sources of revenue generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility enterprise fund and used exclusively for the stormwater utility.

Section 6: Stormwater Utility Operating Budget

Village Council shall adopt an operating budget for the stormwater utility each fiscal year. The operating budget shall set for such fiscal year revenues and estimated expenditures for operations, maintenance, and extension and replacement and debt service.

Section 7: Rate Structure and Charges and Fees.

A stormwater service charge shall be assessed to each and every lot and parcel of land within corporate limits of the Village of Buckeye Lake that is tributary directly or indirectly to the stormwater system of the Village and the owner thereof that contains impervious area. This charge does not rely on occupancy of the premises to be in effect and is hereinbefore provided, and in the amount determinable as follows:

For any such property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater system of the Village, such charge shall be based upon the quantity of impervious area situated thereon.

- (a) All properties having impervious area within the Village of Buckeye Lake will be assigned an Equivalent Residential Unit (ERU) or a multiple thereof, with all properties of having impervious area receiving at least one (1) ERU.
 - (1) Residential properties, All residential will be assigned one (1) ERU. A flat rate service charge will apply to all residential properties.
 - (2) Non-residential properties. Non-residential properties will be assigned an ERU multiple based upon the properties' individually measured impervious area (in square feet) divided by 2,700 square feet (1 ERU). This division will be calculated to the first decimal place and rounded according to mathematical convention.
 - (3) Base Rate. Village Council shall, by resolution, establish the base rate for the stormwater utility service charge. The base rate shall be calculated to insure adequate revenues to fund the expenditures of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system within the city limits.

Section 8: Stormwater Only Accounts.

Stormwater only accounts are properties that do not contain water but do contain impervious area or hard surface. New and additional stormwater only accounts will be determined by building and zoning departments and building permit system. The Village of Buckeye Lake Development Department will make available all zoning permits for new construction to the Director of Public Works or his/her designee.

Section 9: Necessity for Charges

It is hereby determined necessary for the protection of public health, safety, and welfare and to conform with Federal, State, and local laws and regulations that a system of charges for stormwater service be established which allocates the cost of providing stormwater services to each user in such a manner that the allocated costs are proportionate to the cost of providing stormwater service to that user, insofar as those costs can reasonably be determined.

Section 10: Powers of Direction of Public Works

Stormwater service charges levied pursuant to this ordinance may be collected by Department of Stormwater. Notwithstanding other provision of the Village of Buckeye Lake Code, the Direction of Public Works or his/her Designee shall make and enforce such rules and regulations as deemed necessary for the safe, economical, and efficient management and protection of the Village's stormwater system; for the construction and use of storm sewers and connections to the stormwater system consistent with policies established by the Village of Buckeye Lake Council; and for the regulation collection, rebating and refunding of such stormwater charges.

Section 11: Right to appeal

A Non-residential property owner may challenge the ERU multiple assigned to his/her property by filing an appeal with the Mayor of the Village of Buckeye Lake or his/her Designee in writing the grounds for the appeal. The Mayor or his/her designee shall consider the appeal and determine whether an adjustment of the ERU multiple for any such lot or parcel is necessary, and adjust such ERU multiple if appropriate.

Section 12: Collection

Each stormwater service charge rendered under or pursuant to this ordinance is hereby made a lien upon the corresponding lot, parcel of land, building or premises that are tributary directly or indirectly to the stormwater system of the Village, and, if the same is not paid within ninety days after it shall be due and payable, it shall be certified to the Auditor of the County in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.

Section 13: Adjustments to Stormwater Service Charges

Increase adjustments (debit) can be made to non-residential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways. Decrease (credit) adjustments can be made to non-residential service charges by property owners performing activities that reduce the impact of stormwater runoff to the stormwater system.

Section 14: Payment of Charges

Stormwater charges shall be assessed monthly. Payment shall be made within ten (10) days following the receipt of the statement of charges. Stormwater charges shall be billed on a joint statement with water charges and shall be payable at the Village of Buckeye Lake Water Office.

If a bill for stormwater service remains unpaid for a thirty (30) day period, the arrearage will be added to the next monthly billing. Notice shall be given with this bill that if all bills are left unpaid at the Water Office after the due date (two bills are past due constitute a double bill), current delinquent and additional charges shall be applied to the bill and water furnished by the Department shall be scheduled for shut off without further notice. If water service is scheduled for termination, additional service charges shall be applied.

If water service is terminated due to delinquent payment of charges, service shall not be restored until all stormwater and water delinquent and service charges are paid in full.

Each charge levied by or pursuant to this Chapter shall be made a lien upon the corresponding lot, land or premises serviced by a connection to the water system. If the charge is not paid, it shall be certified to the Auditor of The County in which the property is located, who shall place the same on the tax duplicate of said County with the interest and penalties allowed by law and be collected as other taxes are collected.

The funds received from the collection of the stormwater service charges as defined in Section 5 shall be deposited in the stormwater enterprise fund.

Section 15: Falsifying Information

No person shall knowingly make any false statement, representation, record, report, plan or other document and file such with the Department of Stormwater.

Section 16: Severability Clause.

If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 17: That this Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

ADOPTED this 9th day of December, 2013.

ATTEST: Valerie L. Hono Charlene A. Hayden
Clerk of Council President of Council

Date filed with Mayor: December 9, 2013.

Date approved by Mayor: December 9, 2013.

Richard E. Baker
Richard E. Baker, Mayor

Approved as to form: Richard S. Bindley, Solicitor