

SCANNED

UPPER LEACOCK TOWNSHIP MUNICIPAL AUTHORITY

SCANNED

RESOLUTION NO. 2022-1

A RESOLUTION OF UPPER LEACOCK TOWNSHIP MUNICIPAL AUTHORITY
ADOPTING THE UPPER LEACOCK TOWNSHIP MUNICIPAL AUTHORITY
RATES, RULES AND REGULATIONS FOR STORMWATER MANAGEMENT
PROGRAM.

WHEREAS, the Federal Clean Water Act, which is administered by the Pennsylvania Department of Environmental Protection (PADEP) regulates stormwater runoff and imposes mandates on municipalities to implement measures to reduce stormwater runoff to our waterways; and

WHEREAS, the regulations require each municipality, including the Township of Upper Leacock (the "Township"), to develop a stormwater management program and to implement best management practices ("BMPs") to reduce pollution entering the waterways; and

WHEREAS, the Township has decided to delegate the responsibility for developing and managing a stormwater management program to the Upper Leacock Township Municipal Authority ("ULTMA"); and

WHEREAS, ULTMA must adopt rates, rules and regulations for the orderly implementation of a stormwater management program; and

WHEREAS, the Authority's stormwater management program will be supported by fees that will be imposed upon owners of land, with certain limited exceptions, as set forth in the rates, rules and regulations; and

WHEREAS, the Township currently owns and operates a system of stormwater management facilities commonly known as the municipal separate storm sewer system ("MS4"); and

WHEREAS, the Township will adopt a resolution transferring ownership of the MS4 to ULTMA;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Directors of Upper Leacock Township Municipal Authority as follows:

Section 1. The foregoing recitals are incorporated herein by reference and made a substantive part of this Resolution.

Section 2. ULTMA hereby adopts by reference and incorporates herein the document entitled "Upper Leacock Township Municipal Authority Rates Rules and Regulations for Stormwater Management Program", in the form and content presented to the Board of this Authority at this meeting.

Section 3. All landowners, developers, and their agents and employees shall be responsible for compliance with the Upper Leacock Township Municipal Authority Rates, Rules and Regulations for Stormwater Management Program.

Section 4. All Township and/or ULTMA officials who are presently authorized to enforce and collect user rates for the Authority's sewer and water systems are authorized to enforce and collect user rates under these Rates, Rules and Regulations.

Section 5. All other resolutions, parts thereof and amendments thereto are hereby repealed to the extent they are inconsistent herewith.


Section 6. Except to the extent inconsistent herewith, each and every other provision of the resolutions of ULTMA shall remain in full force and effect as previously adopted and amended.


Section 7. The provisions of this Resolution are severable, and if any section, sentence, clause, part or provision of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Resolution. It is hereby declared to be the intent of the Board that this Resolution would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 8. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 8 day of September, 2022, by Upper Leacock Township Municipal Authority in lawful session duly assembled.

UPPER LEACOCK TOWNSHIP MUNICIPAL
AUTHORITY

Attest: 
(Assistant) Secretary

By: 
(Vice) Chairman

[AUTHORITY SEAL]

UPPER LEACOCK TOWNSHIP MUNICIPAL AUTHORITY (ULTMA)
RATES, RULES AND REGULATIONS FOR STORMWATER MANAGEMENT PROGRAM

ARTICLE I
DEFINITIONS

- 1.1 Terms and phrases used and not specifically defined herein shall be defined as set forth in the applicable statutes of the Commonwealth of Pennsylvania, resolutions of the Upper Leacock Township Municipal Authority (ULTMA), if any, or shall otherwise be given their ordinary and common meanings.
- 1.2 Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in these Rates, Rules and Regulations for ULTMA relating to stormwater management, and the abbreviations of such terms shown in parentheses following the defined terms, shall be as follows:
 - 1.2.1 Best Management Practices (BMPs) – Activities, facilities, control measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. Stormwater BMPs are commonly grouped into one (1) of two (2) broad categories or measures: "nonstructural" or "structural". "Non-structural" BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize stormwater runoff generation resulting from an alteration of the land surface or the contact of pollutants with stormwater runoff, whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. "Structural" BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.
 - 1.2.2 Credit – A Stormwater Management Program Fee reduction that a property owner receives for implementing and complying with the practices and policies

contained in these Rates, Rules and Regulations, and any related Credit Policy. The Credit Policy is included as Article XIII herein.

- 1.2.3 Credit Application – The ULTMA Stormwater Management Program Fee Credit Application that is attached hereto as Appendix D and must be used to obtain the Credit(s) described in these Rates, Rules and Regulations.
- 1.2.4 Developed Parcel – A parcel that contains impervious area equal to or greater than 500 square feet.
- 1.2.5 Equivalent Residential Unit (ERU) – The basic unit for the computation of Stormwater Program Fees. An ERU is based on the statistically estimated impervious area found on the average single-family residential parcel and has been established in the duly adopted Rate Schedule attached hereto as Appendix A, subject to such modifications as ULTMA may deem necessary from time-to-time in its discretion. The ERU is used to assess the Stormwater Program Fees for each parcel of developed property within the Township.
- 1.2.6 Impervious Surface – An area that does not allow or allows only with great difficulty the movement of water into the ground. Impervious areas (IA) include, but are not limited to: roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any private streets and sidewalks. Any travel areas initially proposed to be gravel or crushed stone shall be assumed to be impervious areas.
- 1.2.7 MS4 – Municipal Separate Storm Sewer System.
- 1.2.8 National Pollutant Discharge Elimination System (NPDES) – The federal government's and Commonwealth of Pennsylvania's system for issuance of discharge permits under the federal Clean Water Act (CWA), the Pennsylvania Clean Streams Law and Storm Water Management Act. The Pennsylvania Department of Environmental Protection (PADEP) has been delegated the responsibility to implement the federal CWA NPDES program in Pennsylvania.
- 1.2.9 Non-Single-Family Residential (NSFR)- Any developed parcel not fitting the definition of single-family residential. NSFR shall include, but not be limited to, apartments, boarding houses, hotels and motels, churches, industrial properties,

commercial and retail properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

- 1.2.10 Operation and Maintenance – The associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program and shall include sums paid to defray costs of ULTMA's improvements to the Stormwater Management System.
- 1.2.11 Operation and Maintenance Agreement – An agreement as described in the Township's Stormwater Management Ordinance pertaining to the operation and maintenance of existing stormwater management BMPs.
- 1.2.12 Owner – Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in Upper Leacock Township.
- 1.2.13 PADEP – Pennsylvania Department of Environmental Protection.
- 1.2.14 Pennsylvania Stormwater Best Management Practices Manual – The Pennsylvania Stormwater Best Management Practices Manual of 2006 or most recent version thereof.
- 1.2.15 Property – Each lot, parcel, building or portion thereof, separately established by folio number on the tax rolls of Upper Leacock Township or Lancaster County.
- 1.2.16 Replacement – The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Management System to maintain the capacity and performance for which said system was designed and constructed; shall include costs associated with improvements to the Stormwater Management System.

- 1.2.17 Riparian Buffer – A vegetated area bordering perennial and intermittent streams and wetlands that serves as a protective filter to help protect streams and wetlands from the impacts of adjacent land uses.
- 1.2.18 Single Family Residential (SFR) – Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single-family units, single-family houses (both attached and detached), condominiums, townhomes, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed parcels may be classified as “single-family residential” despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. “Single-family residential” shall not include developed land containing: structures used primarily for non-residential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks.
- 1.2.19 Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- 1.2.20 Stormwater Main – A principal pipe in the Stormwater Management System, owned and maintained by ULTMA, to collect and transport stormwater.
- 1.2.21 SWMP Fee – Sums assessed, imposed, and to be collected from all developed parcels located in the Township for the administration, operation and maintenance of the Stormwater Management Program.
- 1.2.22 Stormwater Management Ordinance – Township of Upper Leacock Storm Water Management Ordinance.
- 1.2.23 Stormwater Management Program (SWMP) - The comprehensive program developed and implemented by ULTMA to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit (e.g. MS4 Permit) requirements and, to provide for the satisfactory management of the Stormwater Management System assets.

- 1.2.24 Stormwater Management Program Credits Policy (Credit Policy) – A policy developed to provide guidance and procedures to incentivize Township residents and businesses to reduce their SWMP Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff. The Credit Policy is included as Article XIII herein.
- 1.2.25 Stormwater Management System – The public system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging and/or treating stormwater.
- 1.2.26 Township – The Township of Upper Leacock, Lancaster County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania.
- 1.2.27 Undeveloped Parcel – A parcel that does not meet the definition of “developed parcel.”
- 1.2.28 Upper Leacock Township Municipal Authority (ULTMA) – The Upper Leacock Township Municipal Authority, a Pennsylvania municipal authority organized and existing under the Pennsylvania Municipality Authorities Act, or its designee.
- 1.2.29 User – Any person, firm, corporation, individual, partnership, company, association, government agency, society, or group using, benefiting from or being served by the public Stormwater Management System.

ARTICLE II

CONNECTIONS TO THE SYSTEM

- 2.1 It shall be unlawful for any owner of property within the Township to establish a physical connection to the Stormwater Management System, except as provided for in accordance with a Stormwater Management Site Plan submitted pursuant to the provisions of the Stormwater Management Ordinance.

ARTICLE III

FEES

- 3.1 For the use of, benefit by, and the services rendered by the Stormwater Management System, including its operation and maintenance, repair, replacement, and improvement of said system and all other expenses, SWMP Fees are imposed upon each and every developed parcel, and upon the owner(s) of such developed parcels. Such SWMP Fees shall be payable by and collected from the owners of such developed parcels as hereinafter provided, and shall be determined as set forth below.
- 3.2 The SWMP Fee per ERU is established by the adoption of these Rates, Rules and Regulations resolution of ULTMA. A Rate Schedule containing the currently applicable SWMP Fee and any other charges is attached hereto as Appendix A. Please note that the SWMP Fee and applicable ERU calculations may, in the discretion of ULTMA, be amended from time-to-time by appropriate resolution of ULTMA and, to the extent practicable, Appendix A hereto will be updated to reflect any such revisions.
- 3.3 Properties owned by the Township and/or ULTMA shall be exempt from payment of the SWMP Fee.

ARTICLE IV

BILLING AND COLLECTION

- 4.1 Unless expressly excepted, the SWMP Fees fixed and established by these Rates, Rules and Regulations shall be effective as to all developed parcels in the Township as of January 1, 2023.
- 4.2 SWMP Fees shall be assessed and billed by or on behalf of ULTMA effective as of January 1st each calendar year. One bill will be issued for each developed parcel for the entire amount of the SWMP on an annual basis during the month of January.
- 4.3 All SWMP Fees are due and payable upon presentation and if payment is not received by ULTMA on or before April 15 of the year in which the bill is issued, shall be subject to a ten percent penalty. A second penalty of ten percent shall be added if payment is not received by ULTMA prior to June 15 of the year in which the bill is issued.

- 4.4 In accordance with the Municipal Claims Act, 53 P.S. § 7101, et seq. (as amended), all rates, and charges, penalties, interest, collection fees, lien filing, and satisfaction fees and other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property and its owner from the date of their imposition and assessment.

ARTICLE V
RIGHT OF INSPECTION

- 5.1 When applying for a Credit, the Owner agrees that properly identified ULTMA personnel may at reasonable times enter any property unannounced to inspect the property or condition or operation of BMPs. If, after its review or inspection, ULTMA staff finds the BMPs or Operations and Maintenance Agreement out of compliance with either the Credit Application or operational requirements, the Owner will be notified in writing and given sixty (60) days to correct the inaccuracy or noncompliance (Notice of Non-Compliance).
- 5.2 The Owner will have sixty (60) days following the receipt of the Notice of Non-Compliance to provide ULTMA written documentation and evidence satisfactory to ULTMA staff that the issues described in the Notice of Non-Compliance have been corrected. If the Owner fails to provide a written response within the designated time frame or if the issues described in the Notice of Non-Compliance have not been corrected, the Credit will be suspended the following billing cycle. The Credit suspension will remain in effect a minimum of three (3) months. The Owner may reapply for the Credit once it has documentation, satisfactory to ULTMA staff, that the issues described in the Notice of Non-Compliance have been corrected and that the BMP has been functioning in compliance with the requirements for a minimum of three (3) months.

ARTICLE VI
PROHIBITED DISCHARGES AND CONNECTIONS

- 6.1 Refer to Article VII, Section 701 of the Stormwater Management Ordinance for prohibited discharges and connections.

ARTICLE VII
GENERAL AND MISCELLANEOUS PROVISIONS

- 7.1 ULTMA may implement such administrative procedures necessary to implement the policies and requirements set forth in these Rates, Rules and Regulations.
- 7.2 Floods from stormwater may occur occasionally that exceed the capacity of the Stormwater Management System maintained and financed with SWMP Fees. Nothing herein shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all projects to control stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in these Rates, Rules and Regulations shall deem ULTMA liable for any damages incurred from stormwater or from adverse water quality. Nothing herein is intended to reduce the need or necessity for flood insurance, and ULTMA expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon ULTMA, its officers, employees, and/or agents arising out of any alleged failure or breach of duty with respect to ULTMA's Stormwater Management System.
- 7.3 ULTMA will review and update the SWMP Fees fixed and established by these Rates, Rules and Regulations by resolution as deemed necessary.
- 7.4 If any section, clause, or other portion of these Rates, Rules and Regulations is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Rates, Rules and Regulations as a whole or any other part hereof.
- 7.5 No agent or employee of ULTMA shall have the right or authority to bind ULTMA by any promise, agreement, or representation contrary to the letter or intent of these Rates, Rules and Regulations.

ARTICLE VIII
APPEAL PROCEDURES

- 8.1 Any owner who believes the provisions of these Rates, Rules and Regulations have been applied in error may appeal in the following manner and sequence.

- 8.2 An appeal of the rate and charge must be filed in writing with ULTMA within thirty (30) days of the charge being mailed or delivered to the property owner. Any appeal must state the reasons for the appeal and be submitted using the forms provided by ULTMA for such purpose. See Appendix B. If an owner believes that ULTMA's determination of the Equivalent Residential Unit (ERU) for their property is erroneous, they may file an ERU adjustment appeal. It is the owner's responsibility to demonstrate that ULTMA's calculation of ERU is erroneous. Following submission of an ERU Adjustment Appeal Form, the owner shall grant ULTMA permission to enter the parcel at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the adjustment appeal accurately represents the current parcel conditions. There is no fee associated with submitting an ERU adjustment appeal, however, the owner is solely responsible for any costs incurred in the preparation and submission of the ERU adjustment appeal, and all required appeal documentation. An ERU adjustment appeal must be filed within thirty (30) days from the date of mailing of the SWMP Fee bill in order for an adjustment to be made to the SWMP Fee for the existing year.
- 8.3 Using information provided by the appellant, ULTMA shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. If ULTMA decides in its discretion it must inspect the property to decide the appeal, the sixty (60) days to respond will commence on the date that the owner and ULTMA mutually agree that the inspection shall occur. In response to an appeal, ULTMA may adjust the SWMP Fees applicable to the property in accordance with these Rates, Rules and Regulations and/or the applicable provisions of a duly adopted resolution. If ULTMA fails to respond within sixty (60) days, the appeal shall be deemed granted. If the adjustment appeal results in a revised calculation of the ERU, then the SWMP Fee will be corrected to reflect the revised ERU determination for the next billing cycle. If the adjustment appeal resulting in a revised calculation of the ERU is filed within thirty (30) days of the date of mailing of the most recent bill, the subsequent bill will include an adjustment to the existing year's SWMP Fee if the SWMP Fee for the existing year had already been paid.
- 8.4 Any person aggrieved by any decision of ULTMA, relevant to the provisions of these Rates, Rules and Regulations, may file an action in the Court of Common Pleas of Lancaster County as permitted by law.

ARTICLE IX
POLICIES AND PROCEDURES AUTHORIZED

- 9.1 ULTMA may by resolution adopt such rules, regulation, policies, and procedures as it deems appropriate to ensure collection of rates and charges assessed and imposed. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency and any and all other measures or combination thereof which ULTMA may deem appropriate.
- 9.2 All costs of such collection procedures, including but not limited to collection fees, attorney's fees, court costs, litigation expense, charges for service of documents, shall upon being incurred by ULTMA be imposed as a charge for nonpayment and added to the balance due on said owner's account.
- 9.3 No collection proceeding shall be discontinued until all amounts due on an account, including user fees, penalties, interest, collection fees, attorney's fees, court costs and other charges are first paid in full to ULTMA.
- 9.4 ULTMA may adopt any policies or procedures that it deems necessary or convenient to interpret or implement these Rates, Rules and Regulations. This may include the creation of a rate review/Stormwater advisory review committee.

ARTICLE X

STORMWATER MANAGEMENT PROGRAM FUND

- 10.1 Unless expressly provided for or required by law or applicable agreement related to stormwater management, the funds received from the collection of the SWMP Fees shall be deposited into ULTMA's Stormwater Operating Account, a fund and account dedicated to the operation and administration of the SWMP, and for the operation, maintenance, repair, and capital improvement of the Stormwater System.

ARTICLE XI

NO WARRANTY OR ACTION

- 11.1 Nothing in these Rates, Rules and Regulations or in the design, operation, or maintenance of the Stormwater System shall be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action seeking the imposition of money damages against ULTMA, its officers, employees, or agents. ULTMA expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary

damages upon ULTMA, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may not exist or hereafter be created.

ARTICLE XII
ENFORCEMENT AND PENALTIES

- 12.1 These Rates, Rules and Regulations may be enforced by a duly appointed representative of ULTMA or the Township.
- 12.2 Any violation of these Rates, Rules and Regulations is hereby declared to be a summary offense in accordance with Section 5607(d)17 of the Pennsylvania Municipality Authorities Act, as amended, and any person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of up to One Thousand (\$1,000.00) Dollars for each offense, together with the costs of prosecution, including reasonable attorneys' fees. Each and every day that a violation of these Rates, Rules and Regulations exists shall constitute a separate and distinct offense.
- 12.3 ULTMA may also enforce the terms of these Rates, Rules and Regulations by an appropriate action brought in the Court of Common Pleas of Lancaster County, Pennsylvania.
- 12.4 ULTMA may also suspend or revoke any permit previously granted upon discovery of any violation of these Rates, Rules and Regulations.

ARTICLE XIII
STORMWATER MANAGEMENT PROGRAM CREDITS

- 13.1 An integral component of the SWMP includes implementation of a program to incentivize Township residents and businesses to reduce their SWMP Fee by undertaking and implementing approved activities that will reduce the rate and/or volume of stormwater runoff and/or reduce the pollutants in that runoff, and this comprehensive Stormwater Management Program Credits Policy has been developed to provide detailed guidance and procedures on such activities.
- 13.2 To be eligible for a Credit, the property must have been assigned more than one (1) ERU and there must not be any outstanding and unpaid SWMP Fees or sewer or water fees

against the property. Property Owners must submit the appropriate Credit Application along with any documentation required by ULTMA. Credits are only available to certain categories of Owners in accordance with Table 1 contained in Appendix C hereto. Note that credit availability may be modified by ULTMA from time-to-time by appropriate resolution and corresponding changes will be made to Appendix C hereto, to the extent practicable.

- 13.3 Credit Applications, using the Stormwater Management Program Fee Credit Application (Appendix D), must be submitted to ULTMA along with any documentation required by the application. ULTMA reserves the right to request additional supporting information if the provided information does not clearly support the requested type or amount of Credit. ULTMA will process fully completed Credit Applications in a timely manner not-to-exceed sixty (60) days. If the Credit Application is found to be incomplete, it will be returned with the incomplete items highlighted. If the Credit Application is approved as-is, the Credit will be applied to the next billing cycle following approval. Credits will not be applied retroactively. There is no fee associated with submitting a Credit Application.
- 13.4 If the Credit Application is denied or if the Credit Application is approved with conditions or for a different Credit amount than what was requested, ULTMA will provide written notification that will include the reason for the decision and/or any supplemental conditions. If ULTMA cannot complete a review of a complete Credit Application within sixty (60) days, then the Credit Application will be temporarily approved pending a full review of the application. A temporarily approved Credit will be applied to the next billing cycle, but the Credit can be adjusted or revoked upon full review of the Credit Application. Upon completion of the full review, the Owner will receive written notification that will include the reason for the decision and/or any supplemental conditions. The Owner will not have to repay the difference between any temporarily approved Credits and the final approved Credits based on the full review of the Credit Application. If the Owner disagrees with ULTMA's decision, the Owner shall submit a written request to ULTMA for a meeting to discuss the decision. ULTMA will schedule a date and time for the meeting.
- 13.5 Certain proposed credits may require a meeting and/or site visit with ULTMA. If ULTMA officials decide that a meeting or site visit is necessary to determine whether a property is eligible for credits, or how many credits should be given, ULTMA will request a meeting or site visit with the Owner. If ULTMA requests a meeting or site visit, the sixty (60) day period in Section 13.4 shall not commence until the meeting/site visit has occurred.

- 13.6 All proposed BMPs shall comply with the applicable design standards set forth in the Upper Leacock Township Storm Water Management Ordinance and Pennsylvania Stormwater Best Management Practices Manual including, but not limited to, the use of appropriate professionals, such as Professional Engineers, Professional Geologists, Landscape Architects, Soil Scientists, etc. when required. When applicable, karst hazards, soil investigations, infiltration testing, or other pertinent site-assessment activities should be conducted.
- 13.7 The SWMP Fee for properties with approved Credits will be calculated as follows:
- 13.7.1 Billable ERUs = Total ERUs – Credit ERUs
- 13.7.2 Annual SWMP Fee = Billable ERUs x SWMP Rate; where:
- 13.7.2.1 Billable ERUs = The number of ERUs billed to the Owner.
- 13.7.2.2 Total ERUs = The number of ERUs on a parcel before any Credits have been granted.
- 13.7.2.3 Credit ERUs = Current total number of ERUs granted as Credit for the parcel.
- 13.7.2.4 SWMP Rate = Current applicable per ERU rate as established by ULTMA and set forth in Appendix A hereto.
- 13.8 Approved Credits will be valid if the Credit conditions continue to be met by the property owner. However, the magnitude of the Credit may be altered based upon changes in ULTMA regulatory requirements or operating costs. All Operations and Maintenance Agreements, easements, and Access Agreements remain permanently in effect unless amended or rescinded in writing and signed by authorized Township or ULTMA officials.
- 13.9 Upon written notice, ULTMA, in its sole discretion, may revoke any previously approved Credit when the Owner has failed to meet the conditions of the Credit, the conditions of the Operation and Maintenance Agreement and/or has delinquent SWMP or sewer or water fees. The Owner will be notified in writing of the reason for Credit termination and will be provided with the corrective measures required to have the Credit reinstated.

- 13.10 ULTMA reserves the right to review all plans, materials, reports, and documentation for accuracy and inspect any installations or features for proper function related to the Credit program at any time. If, after review, the accompanying documentation is found to be inaccurate or incomplete, or upon inspection issues are discovered with the installation or operation of the BMP, or Operation and Maintenance Agreement, the Owner will be notified in writing and given sixty (60) days to correct the deficiency. The Owner must provide written documentation to ULTMA within sixty (60) days of the original notice that the deficiency has been corrected. If, in the opinion of ULTMA staff, the deficiency is not satisfactorily corrected, the Credit currently applied to the property will be terminated, effective the following billing cycle.
- 13.11 The Owner of any property granted a Credit for structural BMPs must submit periodic BMP Inspection Reports to ULTMA.
- 13.12 The frequency of the BMP Inspection Report will be identified as a condition of the Credit. If the reporting requirements are not met, then the Credit will be suspended. The suspended Credit will not be reinstated until an acceptable BMP Inspection Report is submitted to ULTMA and the BMP which the Credit is being applied for is operating in a satisfactory manner. There is no fee associated with submitting a BMP Inspection Report.
- 13.13 Structural BMPs that provide water quality benefits and/or reduce stormwater rates and/or volumes are eligible for Credit. A maximum 25% Credit will be given to water quality BMPs. The Credits can be cumulative to a maximum of 50% Credit. Existing BMPs can be retrofitted to provide new function and would be eligible for Credits for the existing and new functions. The Credits only apply to the IA controlled by the BMPs.
- 13.14 By complying with NPDES Industrial Stormwater Permit requirements for industrial facilities, participating Owners are assisting ULTMA by addressing stormwater issues onsite. Any property covered under a NPDES Industrial Stormwater Permit, and in compliance with all applicable requirements during the preceding twelve (12) months, is eligible for a 25% Credit for those portions of the property covered under the NPDES Industrial Stormwater Permit. To be eligible for the Credit, ULTMA must be provided with a copy of the active NPDES Industrial Stormwater Permit and a copy of the Discharge Monitoring Report from the current year when the Credit Application is submitted. As a condition of continuing to receive the 25% Credit set forth herein, the Owner will need to submit the Discharge Monitoring Report to ULTMA annually at such time as it is received by the Owner. The Credits can be cumulative to a maximum of 50% Credit.

- 13.15 A 25% Credit is available to those properties that have been identified by PADEP as being required to obtain and comply with the terms of a Non-Municipal MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and ULTMA must be provided a copy of the MS4 permit as well as copies of the Annual Reports. The Credits can be cumulative to a maximum of 50% Credit
- 13.16 ULTMA will grant up to a 25% Credit for those Owners who create and/or maintain a riparian buffer alongside a stream on their property. The riparian buffer can be existing or a newly-planted buffer of native plants. To be eligible for a Credit, the entire length of stream on the property must be buffered on both sides from the top of bank a minimum of 35 feet (measured horizontally). If property conditions are limiting (proximity to property line, roads, structures, etc.), buffers with less than 35 feet horizontal width may be considered for Credit. Please note projects requiring PADEP permits may have more stringent requirements. The amount of the Credit will be dependent on site-specific conditions including, but not limited to, contributing IA and buffer width and length. Interested Owners should contact ULTMA prior to project initiation. The Credits can be cumulative to a maximum of 50% Credit.
- 13.17 ULTMA will grant up to a 50% Credit for those Owners who complete and maintain an approved stream restoration project and/or who dedicate an easement suitable for stream restoration on the entire length of stream located on the property and a minimum of 35 feet measured horizontally from the top of bank on both sides of the stream. If property conditions are limiting (proximity to property line, roads, structures, etc.), projects with less than 35 feet horizontal width may be considered for Credit. Please note projects requiring PADEP permits may have more stringent requirements. The amount of the Credit will be dependent on site-specific conditions. Interested Owners should contact ULTMA prior to project initiation. The Credits can be cumulative to a maximum of 50% Credit.
- 13.18 ULTMA will grant any agricultural property Owner up to a 25% Credit if the Owner can provide a Conservation Plan or Agricultural Erosion & Sedimentation Plan prepared by a Certified Conservation Planner that reflects the current farm operation OR if the Owner provides a signed Cooperator Form to Request Conservation District Assistance for Conservation Planning services. To receive the credit, the landowner must provide a verification letter from the Lancaster County Conservation District that the Conservation Plan or Agricultural Erosion & Sedimentation Plan reflects the current farm operation.

Once the 25% credit is approved, the Owner will have no more than two years to implement the plan or the credit will expire.

- 13.19 ULTMA will grant any agricultural property Owner an additional reduction up to a 65% Credit if the Owner can provide verification from the Lancaster County Conservation District that the farm has an implemented Conservation or Agricultural Erosion & Sedimentation Control Plan OR if the Owner can provide verification from the Lancaster County Conservation District that the farm has a signed contract and defined schedule to implement the BMPs identified on an approved Conservation or Agricultural Erosion & Sedimentation Control Plan. The credit will expire if the Owner fails to comply with the terms of the contract and/or implementation schedule. Credits can be cumulative up to a maximum 90% Credit.
- 13.20 DISCLAIMER - By submitting a ULTMA Stormwater Management Program Fee Credit Application pursuant to the ULTMA Stormwater Management Program Credits Policy, Property Owner acknowledges and agrees that he and his heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all BMPs constructed, installed, or employed by the Property Owner. ULTMA shall not be responsible for or liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom. Property Owner and his heirs, grantees, successors, and assigns shall indemnify and hold harmless ULTMA, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorneys' fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMP.

APPENDIX A
Upper Leacock Township Municipal Authority
Stormwater Fee Rate Schedule

1. The SWMP Fee per ERU shall be set at Six Dollars (\$6.00) per month or Seventy-Two Dollars (\$72.00) per year.
2. For purposes of calculating the SWMP Fee per ERU, an ERU has been established to be four thousand eight hundred (4,800) square feet of impervious area.
3. Single-Family residential parcels shall be charged one (1) ERU.
4. The charge for all other developed, non-single-family parcels within the Township shall be based upon the number of square feet of measured impervious area, as determined through aerial photography and area feature evaluation processes divided by 4,800 square feet per ERU (calculated to the tenth of an ERU. The charge for said properties shall be computed by multiplying the number of ERUs for a given parcel by the unit SWMP fee per ERU established by the Authority. Any non-single-family parcels with less than 500 square feet of impervious area shall be exempt.
5. Public streets shall be exempt from SWMP fees.

APPENDIX B
Upper Leacock Township Municipal Authority
ERU Adjustment Appeal Form

This form is provided to ULTMA stormwater customers who believe the Equivalent Residential Unit (ERU) calculation for their property is incorrect.

Please fill out all sections of the form, except for the last section marked "For ULTMA Use Only". You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned. Please mail completed form to:

Upper Leacock Township Municipal Authority
161 Newport Road
Leola, PA 17540

An ULTMA representative will review the Stormwater Adjustment Appeal Form within thirty (30) business days of receipt of the completed form. Approved adjustments will be applied to the current stormwater bill and all future billings.

Owner gives ULTMA staff permission to enter the property to inspect /verify existing site conditions and accuracy of any supporting information provided by the applicant.

Appeal Information

1. What is the Existing ERU calculation for your property (1 ERU = 4,800 square feet)? _____ ERUs
 2. What is the Proposed ERU calculation for your property? _____ ERUs
- (Please provide documentation on how impervious area /ERU is calculated)

Customer Information

Name _____ Date _____
Contact Email _____ Contact Phone _____
Property Address _____

Additional Supporting Information: _____

ULTMA Use Only

Date Received _____ Date Reviewed _____ Granted _____ Denied _____

Reviewed by _____

Comments: _____

APPENDIX C
Upper Leacock Township Municipal Authority

Summary of Available Credits

Credits are not available for those parcels that have less than 1 ERU. Please refer to ULTMA Rates, Rules & Regulations for detailed information on each available credit.

Credits can be cumulative to a maximum of 50% credit, with the exception of Agricultural properties with an implemented Conservation Plan or Agricultural E&S Plan in accordance with Section 13.19, which may be cumulative to a maximum of 90% credit.

<u>Credit Type</u>	<u>Property Type</u>	<u>Maximum Credit</u>
13.13 – Structural BMPs	Non-Single Family and Agricultural	25%
13.14 - NPDES Industrial Permit		25%
13.15 - MS4 General or Individual Permit		25%
13.16 - Riparian forest buffer		25%
13.17 - Stream restoration		50%
13.18 – Written Conservation Plan or Agricultural Erosion & Sedimentation Control Plan or Signed Cooperator Form to Request Conservation District Assistance for Conservation Planning services.	Agricultural	25%
13.19 – Implemented Conservation Plan or Agriculture Erosion & Sedimentation (Ag E&S) Plan or signed contract and defined schedule to implement the BMPs identified in an approved Conservation or Agricultural Erosion & Sedimentation Control Plan	Agricultural	65%

APPENDIX D
Upper Leacock Township Municipal Authority
Credit Application

This form is provided to ULTMA stormwater customers who believe they qualify for an approved stormwater Credit. Customers should review the ULTMA Credit Policy for eligibility requirements for Credits.

Please fill out all sections on the first page of the form, except for the last section marked "For ULTMA Use Only". Please fill out and provide additional information for all the Credits you are applying for as listed on page 2. Please note that any submitted documentation will not be returned. Please mail completed form to:

Upper Leacock Township Municipal Authority
161 Newport Road
Leola, PA 17540

An ULTMA representative will review the Stormwater Credit Application Form within sixty (60) days of receipt of the completed form.

Owner gives ULTMA staff permission to enter the property to inspect /verify existing site conditions and accuracy of any supporting information provided by the applicant.

Customer Information

Name _____ Date _____

Contact Email _____ Contact Phone _____

Property Address _____

Additional Supporting Information: _____

ULTMA Use Only

Date Received _____ Date Reviewed _____ Granted _____ Denied _____

Reviewed by _____

Comments: _____

APPENDIX D
Upper Leacock Township Municipal Authority
Credit Application

Please Select the Applied Credit

13.13 Structural BMP

_____ Please attach supporting information such as a copy of the approved Post Construction Stormwater Management Plan, signed Operation & Maintenance Agreement, and current photographs.

13.14 NPDES Industrial Stormwater Permit

_____ Please attach a copy of the active NPDES Industrial Stormwater Permit and a copy of the Discharge Monitoring Report for the current year.

13.15 MS4 Permit

_____ Please attach a copy of the MS4 Permit and a copy of the most recent Annual Report.

13.16 Riparian Buffer

_____ Please attach a copy of the riparian buffer design plan and current photographs.

13.17 Streambank Restoration

_____ Please attach a copy of the stream restoration design plan and current photographs.

13.18 Agriculture – Written Conservation Plan

_____ Please attach a copy of a written Conservation or Agricultural Erosion & Sedimentation Control Plan OR a copy of a signed Cooperator Form to Request Conservation District Assistance for Planning services.

13.19 Agriculture – Implemented Conservation Plan

_____ Please attach verification from the Lancaster County Conservation District that the property has an implemented Conservation or Agricultural Erosion & Sedimentation Control Plan OR a copy of a signed contract and defined schedule to implement the BMPs identified in an approved Conservation or Agricultural Erosion & Sedimentation Control Plan.

Confirmation of Credit Conditions and ULTMA Access Rights

I, (print name) _____ agree to all conditions of the Credits I have applied for as outlined in the ULTMA Stormwater Management Credit Policy. Additionally, I agree that ULTMA may at reasonable times enter my property to inspect the conditions of the BMPs.

Property Owner Signature

Date