

# Stormwater Utility Fee Credits Manual



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## Overview

Stormwater is water from rain or melting snow that does not soak into the ground and can pick up and carry pollutants and nutrients to water bodies or cause flooding. Every property in the Village of Western Springs generates stormwater runoff and benefits from the Village infrastructure system that manages stormwater.

Historically, stormwater services were funded through the Water/Sewer Fund. The Village is now funding stormwater services more equitably, through a new dedicated fee called a stormwater utility fee, which is located in Section 8-10-5 (Stormwater Utility Fee Regulations) of the Municipal Code. The stormwater utility fee is based on the amount of impervious area on a property, and those properties that place a greater demand on the system, pay a higher rate. Impervious surfaces, like roofs, sidewalks, and driveways, block water from infiltrating the ground. Impervious surfaces cause increased runoff, overload drainage systems, and contribute to higher amounts of pollutants and nutrients in local water bodies like Flagg Creek, Salt Creek, and the Des Plaines River. The stormwater utility fee funds maintenance and operations of the stormwater system and construction of new stormwater infrastructure, which will help address these challenges.

The Village gives customers the ability to change their bill and receive credits for taking action to reduce impervious area or improve stormwater retention on properties. The purpose of this manual is to describe the policy set forth by the Village of Western Springs regarding stormwater fee credits.

## Definitions

**Best Management Practices (BMPs)** – Stormwater control measures used to manage the quantity and improve the quality of stormwater runoff.

**Credit** – A conditional fee reduction that a customer receives for taking action to reduce impervious area or improve stormwater retention/detention on their property.

**Customer** – Person or entity that is responsible for payment of stormwater utility fees. Customers are classified as single family residential, multi-family residential, or non-residential. The property owner is the customer.

**Equivalent Runoff Unit (ERU)** – is a unit of measure of impervious surface (in square feet, which can be whole or fractional) that represents the impervious surface area on a Parcel. The ERU shall be used as the basis for determining the stormwater user fee for a Parcel. Three thousand seven hundred eight (3,708) square feet of impervious area shall equal one ERU.

**Fee** – Stormwater utility fee, which generates funds by charging all property owners a stormwater fee, based on the property's impact to the stormwater system. Funds generated by the utility can only be used for the maintenance, operations, and improvement of the stormwater management system.

**Impervious Area** – means those areas that prevent or significantly impede the infiltration of stormwater into the soil as defined in Section 10-2-2 (Definitions) of the Development Control Ordinance. Common impervious areas include, but are not limited to, residential / non-residential / mixed use structures (including rooftops and awnings) and any other impervious surfaces, including, but not limited to, accessory structures, detached garages, driveways, aggregate or stone surfaces, outdoor residential

recreational facilities (including all swimming pools or similar structures), private sidewalks, terraces, and patios.

**Multi-Family Residential Property** – Any residential property that has one or more residential buildings, containing multiple dwelling units including but not limited to town homes, condos, and apartments.

**Non-Residential Property** – Any property that is not considered a residential property, including, but not limited to, businesses, schools, churches, Village properties, other governmental entities.

**Single Family Residential Property (SRF)** – Developed land containing one dwelling structure which is not attached to another dwelling structure and which contains one or more bedrooms, one or more bathrooms, and kitchen facilities, designed for occupancy by one family. SFR Parcel units may include houses, manufactured homes and mobile homes located on one or more individual lots or parcels of land.

**Stormwater Runoff** – Water, resulting from rain or snow, that flows over impervious surfaces and does not immediately infiltrate into the ground.

## Fee Calculation

The fee structure was created using a unit of measurement called an Equivalent Runoff Unit (ERU). One ERU is equivalent to 3,708 square feet of impervious area, or as updated periodically. The fee structures for the two stormwater billing groups are as described in the following two subsections.

### Residential Properties

Residential properties are separated into one of three tiers, based on the amount of impervious area on the property.

Single and Multi-Family Residential	
Tier	Impervious Area
Tier 1	< 3,000 ft <sup>2</sup>
Tier 2	3,000 to 4,600 ft <sup>2</sup>
Tier 3	> 4,600 ft <sup>2</sup>

Single family residential customers are separated into a tier based on the total measured impervious area on the property (the majority of single-family homes fall into the middle tier).

*Single Family Residential Charge = Tier rate based on total amount of measure impervious area*

For example, a single-family residential property owner with 3,500 ft<sup>2</sup> of impervious would pay the Tier 2 rate.

Multi-family residential customers (townhomes, condos, and apartments, etc.) are separated into tiers based on the total amount of impervious area on the property divided amongst the units on the property.

*Multi-Family Residential Charge = Tier rate is based on  $\frac{\text{total property impervious area}}{\text{total number of property owners}}$*

For example, a townhome with 12,000 ft<sup>2</sup> of impervious area and 5 property owners would divide the impervious area into 2,400 ft<sup>2</sup> per owner. This would result in each owner paying the Tier 1 rate.

### Non-Residential Properties

Fees for non-residential properties (businesses, schools, churches, Village properties, other governmental entities) are calculated directly by the amount of ERUs on a property multiplied by the cost of 1 ERU.

$$\text{Non-Residential Charge} = \text{Rate per 1 ERU} \times \frac{\text{total Impervious Area}}{3,708 \text{ sq ft per ERU}}$$

*\*number of ERUs is rounded up to the nearest whole number*

The Village created an online, interactive map that allows you to find your property's Tier or impervious area calculation and associated fee.

### [Stormwater Utility Fee Lookup Map](https://experience.arcgis.com/experience/947e9acd84104ee1946d6da0f08d7331/page/Page/)

(<https://experience.arcgis.com/experience/947e9acd84104ee1946d6da0f08d7331/page/Page/>)

### Stormwater Utility Fee Credits

The Village has established opportunities for customers to receive fee credits when actions are taken to control the quantity and/or quality of stormwater leaving their property and entering the Village's stormwater management system or natural receiving waters.

### Policy

The stormwater fee credit system is based on the following premises:

- The quality and quantity of stormwater runoff is, to a large extent, related to the amount of impervious area on a property.
- Property owners have control over the quantity and quality of stormwater leaving their property and can decrease demand on Village stormwater services.
- Best management practices (BMPs) that detain stormwater provide a decrease in the demand for stormwater services and deserve credit for doing so.
- Properties owners that install BMPs on properties where no treatment is required also provide a decrease in demand for stormwater services that can be creditable. This includes property owners that partner with the Village on the installation of BMPs.

The utilization of BMPs results in individual parcels producing less runoff and relying less heavily on existing stormwater infrastructure. Such parcels have reduced their demand for service. In recognition of this, the stormwater utility will give credits for individual bills. The credits structure offers cost-saving opportunities to property owners who are required by state and/or local laws to and/or voluntarily implement BMPs.

Credits will be based on the percentage of impervious area that is treated on-site.

Property owners must keep their credited BMPs properly maintained and providing stormwater treatment to continue receiving credits.

## Eligibility

All properties that receive a stormwater bill are eligible to receive at least one type of stormwater credit.

## Credit Amounts

Credits will be calculated as a percent reduction on customers' bills.

## Credits or Discounts

All customers can seek a stormwater credit through the implementation of specific BMPs that reduce stormwater runoff on their billed property. Credits will be calculated differently for residential and non-residential customers.

## Residential Detention Credit

Residential customers can receive a credit of up to 50% for a BMP(s). The following BMPs are currently eligible for detention credits:

- Detention ponds/basins
- Rain Garden/Bioretenion areas
- Permeable Pavers
- Cisterns/Dry Wells

The installation of a BMP is eligible for up to a 50% credit with the actual credit amount being determined via the actual impact of the improvement. Multiple BMPs can be combined to achieve the maximum 50% fee credit. BMPs that mitigate a sump pump discharge (i.e. level spreader or sump pump dissipation pit) are not eligible for credit.

Residential properties with more impervious surface will have to control more runoff via one or more installed BMPs to qualify for the fee credit. BMPs must be able to hold the volume of runoff that needs to be controlled with release rates as specified in Section 503 of the MWRD Watershed Management Ordinance (WMO). One modification to Section 503 is the Village requires the first 1.25" of runoff from the impervious area as the standard for volume control. To calculate the runoff volume that needs to be controlled by a BMP on a residential property, the following equation applies:

*Runoff Volume to be Controlled on a Residential Property in Volume (Cubic Feet) for full 50% credit =*

$$\text{Property Impervious Area } ft^2 \times 0.1042 ft \text{ ***}$$

$$\text{*** } 0.1042 ft = 1.25 \text{ inches rainfall} \times \frac{1ft}{12 \text{ inches}}$$

For example, a BMP or multiple BMPs, on a property that has 3,000  $ft^2$  of impervious coverage, would need to retain  $3,000 ft^2 \times 0.1042 ft = 313 ft^3$  of runoff to receive the maximum 50% credit.

Percentage of impervious area retained by BMP(s)	Credit
100%	50%
75%	38%
50%	25%
25%	15%
Less than 25%	No credit

These BMPs must be completely installed, properly maintained, and in working condition in order for the property to continue receiving the credit. The BMPs must be installed in a location that receives runoff on your property. Ideally runoff is directed to the BMPs so the BMPs can best mitigate stormwater.

### Non-Residential Detention Credit

Non-Residential customers receive a percentage reduction based on the percentage of impervious area on the property treated to the Village’s standard for capture by any of the following BMPs:

- Detention ponds/basins
- Rain Gardens/Bioretenion
- Permeable Pavers
- Cisterns/Dry Wells

Non-Residential property greater than 0.5 acres in size must comply with the current MWRD WMO requirements per Article 5 of the MWRD WMO to receive the maximum 50% credit. One modification to Section 503 is the Village requires the first 1.25” of runoff from the impervious area as the standard for Volume Control. Existing non-residential property that has some existing stormwater BMPs may be eligible for a reduced credit. The applicant on their application shall present a comparison of the property’s existing BMPs to the MWRD WMO standard. The Village Engineer shall review the submittal and shall determine the partial credit. That determination would be at the Village Engineer’s sole discretion.

Non-Residential property less than 0.5 acres in size would follow the “Residential Detention Credits” rules outlined in this guide.

Amount of runoff controlled should be demonstrated in the application documentation.

These BMPs must be completely installed, properly maintained, and in working condition in order for the property to continue receiving the credit.

### Community Partnership Credit

Non-residential customers that work with the Village on Village-related projects to install BMPs (stormwater control measures) that reduce the impact of impervious area in the Village, manage stormwater runoff, or that slow, capture, and treat stormwater runoff from other properties in the Village not owned by the non-residential customer are eligible for an additional credit on their total stormwater bill subject to the approval of the Village Engineer. Contact the Department of Engineering

Services via email at [SWcredit@wsprings.com](mailto:SWcredit@wsprings.com) or phone at (708) 246-1800 x 200 for additional information on the Community Partnership Credit.

### Subdivision Stormwater Management Credit

Subdivisions that are responsible for the ownership and maintenance of BMPs (i.e., detention/retention areas) are eligible for an additional credit on their stormwater bill. New BMPs must meet current Village design standards. Existing BMPs will be reviewed on a case-by-case basis to verify if they meet current Village design standards. If existing BMPs do not meet current Village standards, the subdivision will still be eligible for a credit that will be determined by the Village Engineer, in their discretion, based on the specifications outlined above in the Non-Residential Detention Credits section of this Manual.

Homeowners/Civic Associations may contact the Department of Engineering Services, via email at [SWcredit@wsprings.com](mailto:SWcredit@wsprings.com) or phone at (708) 246-1800 Ext. 200 for additional information on the Subdivision Stormwater Management Credit.

## Credit Application, Review, and Approval Process

### Application

Customers must actively apply in order to receive a credit and will not receive a credit automatically. To apply, customers must certify that they have installed and maintained one of the eligible BMPs. Proof shall include calculations and documentations from a landscaping or engineering consultant, or for some BMPs, can include documentation that the BMP has been cleaned and maintained by a contractor. If as part of the Village's review of a credit application the Village decides to hire an outside engineer to conduct a review of a customer's inspection report, the customer shall be required to pay for the review fee incurred by the Village.

To be considered for a stormwater credit, customers must submit all of the following:

#### **Residential (Single Family Home):**

- Completed application form; and
- To- Scale Plat of Survey of property and delineation and measurement of creditable impervious area; the survey must reflect the current condition of the property. The document must list the total property size, total impervious area, and the impervious area from the property served by the BMP; and
- Calculations and documentation that demonstrate the runoff control achieved by the drainage structure, such as drainage report, landscape plan and as-built plans. The Village Engineer, at their discretion, may require an Engineering report from a licensed professional engineer;
- Recent color photographs of the BMP (within 30 days of application date). Provide multiple photos with different angles of the BMP. Annotate at least one photo showing dimensions of the BMP; and
- A written maintenance plan. The plan should indicate routine maintenance that is performed to ensure the BMP remains in working order. For re-applications maintenance records must be provided showing the maintenance work that was performed during the prior credit period
- If applicable a copy of the invoice(s) for the work completed.



## All other properties

- All the requirements listed for Residential (Single Family Home); and
- Report from a licensed engineer comparing the property's BMP(s) to the current required Village/MWRD WMO stormwater management requirements. Report should compare runoff control, volume control, and detention (as applicable).

Customers must reapply every three (3) years and prove that the BMPs are still in place, in working order, and have been maintained. The Village reserves the right to spot-check practices within that three-year window and rescind credits if the BMPs have not been maintained or have been removed. Sixty (60) calendar days prior to expiration of the credit, the Village will send a notice for renewal.

General questions regarding credits and the application process should be referred to the Director of Engineering Services , via email at [SWcredit@wsprings.com](mailto:SWcredit@wsprings.com) or phone at (708) 246-1800 Ext. 200.

## Application Review and Decision

The Village will review required documentation, and approval or denial of the stormwater utility fee credit application will be determined. If all requirements and conditions are met, the stormwater utility fee credit will be available upon successful completion of the stormwater utility fee credit application process and approval by the Village, generally within sixty days of receipt of a complete application. A representative from the Village will notify the applicant by letter or email of the approval or denial and the resulting credits (if applicable).

## Right-of-Entry and Facility Inspections

As a condition of receiving a stormwater utility fee credit, the owner of the parcel that contains the BMP must agree to allow the Village unrestricted access to inspect the facility associated with the stormwater utility fee credit. Each applicant that has received a credit for a BMP has the responsibility to inspect and repair their facility to ensure that it is functioning as credited. In addition, the Village reserves the right to inspect BMPs receiving a credit at any time in order to verify that the facility is being maintained in accordance with Municipal Code standards, and that the condition of the BMP is consistent with the documentation submitted by the stormwater utility fee creditor incentive recipient, and that the facility is operating as intended. If the field inspection proves that any of the annual documentation submitted for continuation of the credit is not accurate, or the facility is not maintained, or the facility is not operating as credited, then the credit will be forfeited.

## Credit Termination

Inspections and renewal documentation are used to monitor fee credits. The Village may review and terminate approved credits at any time due to improper maintenance or functioning of BMPs associated with credits and failure to restore the BMPs to good working order following notification from the Village.

Failure to properly maintain the BMP may result in a public nuisance. If disconnection causes a public nuisance to the neighboring property or public property, sidewalk, or roadway, corrective actions, which may include reconnection to the public sewer system, must be made within thirty (30) calendar days upon re-inspection and notification by Inspectors(s) or credits will be terminated.

## Indemnification

In consideration for permission to construct, maintain, or install a BMP, and by nature of applying for a stormwater utility fee credit or incentive, the applicant agrees as follows:

After completion of the construction, maintenance, or installation by the applicant and approval by the Village, the construction, maintenance, or installation of a BMP shall remain privately owned and maintained. Title ownership and responsibility for the BMP shall not be conveyed to or accepted by the Village, and the BMP shall not become a part of the maintenance program of the Village of Western Springs. All maintenance responsibility and liability shall remain with the applicant, their personal representatives, heirs, grantees, successors and assigns.

The applicant and their personal representatives, heirs, grantees, successors and assigns, shall indemnify and hold harmless the Village of Western Springs, its officers, appointed and elected officials, President and Board of Trustees, agents, employees, and representatives from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees and expenses of) of any kind arising out of or resulting from the construction, maintenance, installation, operation, or use of the BMP.

This indemnification provision shall be binding upon the applicant, their personal representatives, heirs, grantees, successors and assigns so long as the BMP or any part of it shall be used by them.