

## Public Works Department Operating Procedure

Subject

**Revision to the City of Durham  
Application Instruction Manual for  
Stormwater Service Fee Credit**

**February 24, 2010**

  
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### 1 PURPOSE

- 1.1 To set forth revised policy, procedures and guidelines for determining eligibility for, and issuing a Stormwater Service Fee Credit. To clarify that properties creating or utilizing nutrient credits are not eligible for receiving a Stormwater Service Fee Credit. In addition, credits that are currently available are not guaranteed to be available in the future. City requirements are subject to change and the credit granted for BMPs will change. Credits issued may be adjusted, reduced, or eliminated due to future City requirements. These revised procedures and policy will be incorporated into the next revision of the City of Durham Application Instruction Manual for Stormwater Service Fee Credit dated November 1995, First Revision 2001 (referred to as the Instruction Manual). This revised policy is effective immediately.

### 2 POLICY AND PROCEDURES

- 2.1 The revision revises Section 2: Crediting Policies of the Instruction Manual and the applicability of the Stormwater Service Fee Credit. The following revisions are hereby made:

**Replace page 3, "Existing Structure Credits" with the following:**

A credit is available to facilities that were not initially constructed to fulfill a City of Durham requirement if such facilities are brought into the City's regulatory system and are deemed to meet or exceed all current requirements of the City. All other applicable requirements and procedures of the Instruction Manual must be met for a credit to be issued. Facilities that have received grant funding or are creating or receiving nutrient credits or another form of banking credit are not eligible for a stormwater fee credit.

**Replace page 4, “Voluntary Controls” with the following:**

A credit for new construction, which includes retrofits to existing facilities, is available when a) the controls serve developed property that, when developed, was not subject to stormwater or watershed requirements and the controls meet existing City requirements; or b) a retrofit or alteration is made to controls already required by the City such that they exceed the City's requirements. City requirements include but are not limited to future reductions required from existing development for Jordan Lake rules, Falls Lake rules, Total Maximum Daily Load reductions or City NPDES Municipal Stormwater Permit requirements. Credit is not available for new construction where construction and/or maintenance is already required by the City. The credit for retrofits that increase performance beyond City standards shall not include credit for peak flow reduction, pollution runoff reduction, or maintenance that the facility was required to meet at the time of its construction.

**Replace page 5, Timing of Applications with the following:**

Credits are not granted retroactively. For voluntary controls credits are effective as of the date of completion of the structure(s) and final inspection, and compliance with other City requirements, such as documentation or recordation of appropriate documents. With regard to existing facilities, credits will be granted upon compliance with all City requirements, such as inspection and certification; formation of a Property Owners' Association, if necessary; and recordation of necessary maintenance documents and covenants.