



# **Stormwater Fee Credit Application Guide**

November 16, 2020

---

**Table of Contents**

<b>1</b>	<b>Introduction</b> .....	<b>2</b>
<b>2</b>	<b>Stormwater Fee Credit Program Information</b> .....	<b>3</b>
2.1	Objective.....	3
2.2	Principles .....	3
2.3	Credit Program Basics .....	3
<b>3</b>	<b>Stormwater Fee Credit Program Framework</b> .....	<b>4</b>
3.1	Program Eligibility.....	4
3.2	Credit Schedule .....	4
3.3	Credit-eligible Best Management Practices .....	4
<b>4</b>	<b>Application Process</b> .....	<b>6</b>
4.1	Application Types .....	6
4.2	Review Timelines .....	7
4.3	Effective Date of Approved Credit.....	7
4.4	Stormwater Fees Billed while Credit Application is Under Review .....	7
<b>5</b>	<b>Terms and Conditions of Credit Approval</b> .....	<b>8</b>
<b>6</b>	<b>Site Inspections</b> .....	<b>9</b>
6.1	Inspections during Application Review .....	9
6.1	Compliance Inspections .....	9
<b>7</b>	<b>Credit Update Application</b> .....	<b>11</b>
<b>8</b>	<b>Credit Renewal Application</b> .....	<b>12</b>
<b>9</b>	<b>Penalties</b> .....	<b>13</b>
9.1	Credit Suspension, Reduction or Cancellation .....	13
9.2	Suspension .....	13
9.3	Cancellation.....	13
9.4	Appeals.....	13
	<b>Appendix 1: Supporting Documentation for Applications</b> .....	<b>14</b>
	<b>Appendix 2: Credit Evaluation Criteria</b> .....	<b>16</b>

## **1 Introduction**

The Stormwater Fee Credit Application Guide is intended to provide general information and assistance associated with the Stormwater Fee Credit application process and is not intended to be all-inclusive. Other reference material and stormwater related engineering experience may be required to fulfil the requirements of the application procedure.

Should there be any conflict between this Guide and Chapter 461 – Stormwater Rates of the City’s Municipal Code, the latter shall prevail.

The City looks forward to working with local business, property owners, engineering and design professionals in reviewing and approving your future credit applications.

## **2 Stormwater Fee Credit Program Information**

### **2.1 Objective**

The key objective of the Stormwater Fee Credit Program is to recognize property owners who have implemented stormwater and/or pollution prevention best management practices (“BMPs”) to reduce impacts to the City’s stormwater infrastructure by controlling the quantity and quality of stormwater leaving their property.

### **2.2 Principles**

The Stormwater Fee Credit Program is designed according to the following guiding principles:

- Available to non-residential and multi residential properties in Orillia, unless otherwise exempt from Stormwater Fees.
- A clear linkage exists between the credit amounts provided and cost savings to the City’s stormwater program resulting from the implementation of BMPs.
- Property owners have the flexibility to pursue practices that suit the needs of, and opportunities on, their property.

### **2.3 Credit Program Basics**

Stormwater Fee Credits are effective for a maximum term of five (5) years from the date of approval, subject to compliance with terms and conditions, and may be renewed for subsequent five (5) year terms.

While the initial credit application is focused on demonstrating the design and performance of BMPs, the renewal application is focused on demonstrating that these BMPs are properly maintained and in a state of good repair.

If credit-approved BMPs are added, expanded, reduced, deleted or in any way modified such that their level of performance relative to their approved credit amount has changed, credit holders must follow the Credit Update Application process.

### 3 Stormwater Fee Credit Program Framework

#### 3.1 Program Eligibility

Properties charged as multi-residential (containing four (4) or more residential units) or non-residential properties under the City Stormwater Fee program are eligible for the credit program. Residential properties containing three (3) or fewer residential units are not eligible for the credit program.

Property owners may contact the City to determine if their property is eligible for the credit program. Participation in the credit program is by application only.

#### 3.2 Credit Schedule

Stormwater Fee Credits are available in each of four categories, which align with the overarching objectives of the City's stormwater program (Table 1). Detailed descriptions and examples of the interpretation of these evaluation criteria are provided as Appendix 2.

**Table 1 Stormwater Fee Credit Categories**

Category	Evaluation Criteria	Total Credit (50% Maximum)	
Peak Flow Reduction	Percent reduction of the 100-year post development flow to pre-development conditions of the site	Up to 40%	To a total of no more than 50%
Water Quality Treatment	Consistent with Provincial criteria for enhanced treatment	Up to 10%	
Runoff Volume Reduction	Percent capture of first 15 mm of rainfall during a single rainfall event	Up to 15%	
Pollution Prevention	Develop and implement a pollution prevention plan	Up to 5%	

A maximum of 50% credit can be achieved by a property owner or operator. The 50% cap reflects the maximum proportion of the City's stormwater program in terms of cost that may be beneficially impacted by on-site BMPs. The balance of the City's program requires funding regardless of BMPs that may be in place on private and public lands.

The credits available in each category add up to more than the maximum of 50%. This allows some flexibility for the Applicant to customize the credit to reflect the stormwater needs and opportunities of a property.

#### 3.3 Credit-eligible Best Management Practices

This credit program is performance-based, rather than technology-based. This means that credits are awarded based on how well a property's BMPs achieve performance criteria (i.e., those listed in Table 1), rather than credits awarded based on a prescriptive

---

set of practices (e.g., X% credit for a green roof of X size). Performance-based programs encourage creativity, provide flexibility and enable property owners to pursue technologies best suited for their properties and particular needs, as permitted by existing by-laws, codes and regulations.

Many BMPs could be eligible for more than one type of credit. For example, the City recognizes that a BMP may provide both peak flow reduction and runoff volume reduction. In such cases, performance related to both categories can be applied for. The cumulative maximum credit available to a property is 50%.

Eligibility of a BMP will be contingent on proof of function and on-going maintenance through self-certification reports and City inspections. If the approved BMP is not functioning as intended or removed for any reason, the applicable credit(s) may be cancelled.

BMPs must be installed on the applicant property and maintained by the applicant. Any BMPs that are installed on City property, right-of-way, or easement and maintained by the City as part of stormwater operations are not eligible for a credit by a non-City Applicant.

---

## 4 Application Process

### 4.1 Application Types

There are three types of credit applications:

1. **New Credit Application** – (1) applying for a credit on a property with an existing BMP for the first time; (2) applying for a pre-approved credit for a proposed BMP; or, (3) applying subsequent to the cancellation of a credit approval.
2. **Credit Update Application** – when an approved credit needs to be updated to reflect a change to the approved BMPs.
3. **Credit Renewal Application** – when an approved credit is about to expire or has expired no more than one year prior.

In all cases, an application package consisting of a completed application form and all required supporting documentation must be submitted. Supporting documentation must be prepared by a Professional Engineer registered in the Province of Ontario and qualified in municipal engineering and stormwater management. The report, including relevant supporting information, shall meet the City of Orillia's development requirements, or generally accepted professional practices where City of Orillia requirements currently do not exist, for development applications seeking approvals for storm drainage and stormwater management. Full supporting documentation requirements are outlined in Appendix 1.

The Applicant is solely responsible for costs incurred in the preparation of the required documentation and/or the submission of the credit application.

#### Application Form

The application form is available as a download on the City website, and must be filled out as part of the process of applying for Stormwater Fee Credits. At the time of writing this Guide, the City will accept completed application forms and/or supporting documentation by mail or electronic mail in either hard-copy or digital (PDF) format. Fees are payable at City Centre during regular business hours (8:30 a.m. – 4:30 p.m.).

The following are explanations of terms used on the Credit Application Form:

- Registered Owner and Authorized Agent for any Other Registered Owners – this is to be chosen if the applicant is the owner of the property and has permission to act on behalf of any other owners of the property;
- Authorized Agent for All Registered Owners – this is to be chosen if the applicant is not an owner of the property and has permission to act on the behalf of all the owners of the property;
- Property Roll Number(s)
- Status of BMPs:
  - Existing – BMP is constructed and operational at the time of applying;
  - Proposed as Retrofit – BMP is proposed to be implemented into a developed site;

- Proposed with New Development – BMP is proposed to be implemented into a site undergoing re-development.

## **4.2 Review Timelines**

The review of an application is a two-step process:

1. Assessment for application completeness; and
2. Technical review of application.

The City will notify the Applicant of receipt of an application and will conduct an initial screening to ensure application completeness. Applicants may be requested to provide additional information. If an Applicant fails to provide the necessary information, the application will be rejected. The City may also conduct a site inspection, as described in the “Inspections during Application Review” section below.

Once the application has been deemed complete, the Applicant will be notified. An application is deemed complete when the applicant has filled out all appropriate sections of the application form and submitted the relevant reports and documentation which support how the stormwater BMPs achieve credits.

The technical review of an application is expected to be completed within ninety (90) calendar days of the application being deemed complete. Credit approval may be awarded or additional information or clarification on matters from the Applicant may be requested during this time. In the event the review results in a request for additional information or clarification on matters from the Applicant, a new ninety (90) calendar day period will be reset upon receipt of all information requested.

## **4.3 Effective Date of Approved Credit**

Approved credits will be applied to the billing following approval of the credit application.

## **4.4 Stormwater Fees Billed while Credit Application is Under Review**

A pending credit request application shall not constitute a valid reason for non-payment of the currently assessed stormwater charge. Any stormwater charge bill that is received during the credit application review process must be paid in full.

---

## **5 Terms and Conditions of Credit Approval**

Stormwater Fee Credit approvals will be subject to terms and conditions, including the expectations for the operation and maintenance of the credit-approved BMPs, requirements for inspection and maintenance logs, and other matters. Site specific terms and conditions may be imposed, depending on the nature of the property, its use and its BMPs.

Credit holders are expected to comply with the terms and conditions of the credit approval, including the BMP operation and maintenance plan detailed in report and other supporting documentation to the credit application, and must retain on file and make available upon request specified information throughout the entire term of the credit program. Further details are provided in Appendix 1.

---

## **6 Site Inspections**

### **6.1 Inspections during Application Review**

As part of the credit application review process, the Program Coordinator or designate may contact the Applicant with a requested date to conduct a site inspection to verify that any constructed BMPs are in conformance with the documentation provided and that these measures are operating in accordance with documented performance criteria. The results of an inspection will be taken into consideration as part of the application review.

If the Applicant fails to respond to the Program Coordinator or designate by telephone, email or in writing to coordinate a site inspection date within thirty (30) calendar days, the credit application will be considered closed. The inspection must proceed within sixty (60) calendar days of the initial request. If the Applicant is unable to provide a date to facilitate the inspection within this time frame, the credit application will be considered closed.

### **6.1 Compliance Inspections**

Each Applicant that has received a credit for a BMP has the responsibility to regularly inspect, maintain and repair the BMP to ensure that it is functioning as designed as agreed to in the terms and conditions.

In addition, the City reserves the right according to Chapter 461 – Development Services and Engineering - Stormwater, as amended or any successor by-law, to conduct site inspections and may, at any reasonable time, enter and inspect any property. The intent of the inspections will be to assess whether the BMP is being maintained as stipulated in the latest credit application, the conditions on-site are consistent with the documentation provided in the latest credit application, and that the BMP is operating in accordance with performance criteria as documented in applicable documents. As a result of a site inspection, credits may be suspended, reduced or cancelled.

At any point during the term of a credit, the Program Coordinator or designate may contact the credit holder with a requested date to conduct the site inspection. City staff performing inspections may request to see operation and maintenance documents which credit holders are required to retain for a minimum of five (5) years. The inspection will result in a grading of either “passed”, “suspended” or “failed”.

If the credit holder fails to respond to the Program Coordinator by telephone, email or in writing regarding the site inspection request within thirty (30) calendar days, the credit will be cancelled. If the credit holder wishes to request an alternate inspection date, it must be within thirty (30) calendar days of the initial date requested by the Program Coordinator. The inspection must proceed within sixty (60) calendar days of the initial request. If the credit holder is unable to provide a date to facilitate the inspection within this timeframe then the inspection will be considered failed and the credit will be

cancelled.

Although the City reserves the right to conduct detailed field measurements and monitoring to verify performance, it is anticipated that inspections will typically involve visual evaluations, informal interviews, and review of maintenance logs and other documents.

---

## **7 Credit Update Application**

The holder of a Stormwater Fee Credit is responsible for notifying the Program Coordinator in writing if the BMPs undergo a material change, meaning an alteration, improvement, deficiency, or failure that impacts how the BMPs operate and was not expressly anticipated and addressed by the parties in the credit application process. Material change means both actions taken by a property owner and those occurring through lack of action by a property owner or unrelated to the actions of the property owner.

No later than three (3) months after any material change has been undertaken or occurs, the holder of a Stormwater Fee Credit must submit a credit update application to the City. Late submission of, or failure to submit, the application may result in a discontinuance of the credit amount and potential ban from the program. The City shall have full and absolute discretion to adjust (increase or decrease) the credit amount.

---

## **8 Credit Renewal Application**

Credit holders are advised to submit a complete credit renewal application at least six (6) months prior to the expiration date should they wish to seek a renewal of their existing Stormwater Fee Credits without experiencing a gap in the credit approval. Applications received after this date may not be processed and approved in time before the previously approved credit expires. In such circumstances, the account holder will not receive credit towards the Stormwater Fee during the period in which the previously approved credit has expired and the renewal application has not yet been reviewed and approved. The approved credit renewal shall be effective upon the expiration date of the original credit, or as otherwise determined by the Program Coordinator.

In general, credit holders wishing to renew their credit shall provide evidence that acceptable operation and maintenance practices have taken place and that the BMPs are in a state of good repair. Details on supporting documentation requirements for Credit Renewal Applications are provided in Appendix 1.

---

## **9 Penalties**

### **9.1 Credit Suspension, Reduction or Cancellation**

As described in Chapter 461, the Stormwater Fee Credit may be suspended, reduced or cancelled by the City under the following circumstances:

1. Failure of the Applicant (or applicable property owner) to make Stormwater Fee payments as billed by the City;
2. Failure of the Applicant (or applicable property owner) to meet the terms and conditions of the credit approval;
3. Submission of inaccurate or false information by the Applicant (or applicable property owner);
4. Failure of the Applicant (or applicable property owner) to maintain a BMP measure as required by the terms and conditions of the credit approval;
5. Failure of a BMP measure to operate or meet the performance criteria as documented in the Applicant's credit application or credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the credit approval, update or renewal; or,
6. Failure to submit a complete credit renewal application.

In the circumstance that a BMP is found to be in a state of disrepair or no longer functions as approved, the Applicant shall reimburse to the City the entire amount of the credit received in respect of the property since the date that the application was approved, updated or renewed or since the previous inspection by the City, whichever is later. If the credit has been cancelled, the Applicant may not re-apply for a credit for a period of twelve (12) months at a minimum and may be banned from applying for a longer period in severe cases.

### **9.2 Suspension**

If a property fails inspection, the credit may be suspended and the credit holder will have sixty (60) calendar days to repair, clean, fix, or otherwise correct deficiencies, and schedule an inspection with the Program Coordinator. If a credit holder fails to demonstrate action and reasonable progress to correct the deficiencies and schedule a reinspection within sixty (60) calendar days, the credit will be cancelled. Suspension period extensions may be granted at the discretion of the Commissioner of Transportation and Works or her/his designate.

### **9.3 Cancellation**

Customers whose credits have been cancelled may not have them reinstated and will be required to submit a new credit application. A credit reapplication may be submitted no earlier than a year after the date on which the credit was cancelled.

### **9.4 Appeals**

A reduction or cancellation of a Stormwater Fee Credit may be appealed by the Applicant in writing to the General Manager of Development Services and Engineering. The decision of the General Manager of Development Services and Engineering shall be considered final and binding.

---

**Appendix 1: Supporting Documentation for Applications****A1.1 New Credit and Credit Update Applications**

To apply for a new credit or to update an existing approved credit for new and/or existing BMPs, the Applicant must provide a completed application form and the information listed below, as applicable, to the Program Coordinator.

- a. Stormwater Management Report certified by a qualified Professional Engineer and accompanied by a letter, signed by the author of the report, which allows the City of Orillia to make reliance on the findings and conclusions presented in the report. This report is expected to be generally consistent with current City of Orillia development requirements for on-site stormwater management reports and must include details outlining the credit percentage applied for and how the BMPs achieve the credit requirements, and other relevant information.
- b. Site plan and/or related engineering drawings and details should conform to the City's development requirements with the following information to be shown as a minimum:
  - i Location;
  - ii Property boundaries;
  - iii Easements;
  - iv Topographic details;
  - v Locations and outlines of all structures, including buildings, parking, driveways and other impervious areas;
  - vi Drainage areas, including internal drainage patterns and areas, as well as external drainage areas draining to the site; and
  - vii Stormwater BMP and/or related drainage details.
- c. Hydrologic and hydraulic calculations and/or modelling results to support Peak Flow Reduction, Water Quality Treatment and/or Runoff Volume Reduction credit categories.
- d. Pollution Prevention Plans
  - i Every Pollution Prevention Plan must be consistent with the requirements under Chapter 1047 – Sewage Discharge, as amended or any successor by-law. Materials and documentation developed must be prepared or confirmed by a qualified Professional Engineer.
- e. Operation and Maintenance Plan
  - i Proposed inspection and documentation plan;
  - ii Proposed maintenance and documentation plan;
  - iii Details on the procedures to be performed; and
  - iv Inspection and maintenance records must be kept on file by the Applicant or site owner/operator for the duration of the approved credit and be made available to City staff upon request.

**A1.2 Engineer's Certification of Operation**

This certification must be in the form of a letter addressed to the Program Coordinator, signed and stamped by a qualified Professional Engineer. It must include the following:

- a. Certification that all BMPs have been constructed in accordance with the submitted drawings and that they are operational; and
- b. Confirmation of the date(s) that all BMPs were implemented into service.

Note that in a case of a pre-approval application, this certification will not be submitted

---

with the above listed reports and drawings, but instead submitted after the BMP has been constructed.

### **A1.3 Credit Renewal Applications**

To renew a previously approved credit, the Applicant must provide a completed application form and the information listed below, as applicable, to the Program Coordinator.

1. A report certified by a qualified professional engineer providing the following information:
  - a. Confirmation that the performance of all BMPs remains consistent with the previously approved credit application;
  - b. Confirmation that all BMPs are in a state of good repair;
  - c. Inspection and maintenance logs, including:
    - i. Dates of inspection and maintenance activities;
    - ii. Names, titles, and qualifications of personnel conducting the inspections and/or maintenance;
    - iii. Condition of each BMP, including its functional components;
    - iv. Any other item that could affect the proper function of the BMP;
    - v. Description of the need for maintenance;
    - vi. Description of maintenance performed; and
  - d. Updates to the inspection and/or maintenance plans, as required.

## Appendix 2: Credit Evaluation Criteria

### A2.1 Peak Flow Reduction (up to 40%)

#### Evaluation criteria

Based on the percent reduction of the 100-year post-development flow to pre-development conditions of the site.

#### Points of clarification

- a. “the site” means the impervious area(s) of the property; and
- b. “pre-development conditions” means the 100-year flow from a theoretical “raw” land condition of the site, with an assumed runoff coefficient of 0.25.

#### Evaluation metric

This credit shall be assessed using a methodology whereby controlling the 100-year post-development flow rate to the 100-year pre-development flow rate from the entire impervious surface area of the site would represent a full 40% credit and the fraction of that target met would be multiplied by 40% to determine the credit amount awarded for peak flow reduction. Self-certification shall be provided by way of a report certified by a Professional Engineer that includes supporting calculations.

### A2.2 Water Quality Treatment (up to 10%)

#### Evaluation criteria

Consistent with Provincial criteria for enhanced treatment - note that the current reference for Provincial criteria for enhanced treatment is the Stormwater Management Planning and Design Manual, March 2003, Ontario Ministry of the Environment.

#### Evaluation metric

The percentage allocated for this credit is based on the percentage of impervious area that is directed to an approved on-site quality control BMP that provides enhanced treatment. Self-certification shall be provided by way of a report certified by a Professional Engineer.

### A2.3 Runoff Volume Reduction (up to 15%)

#### Evaluation criteria

Based on the percent capture of first 15 mm of rainfall during a single rainfall event.

#### Points of clarification

- a. “capture” means for on-site retention and/or reuse;
- b. Only applies to rainfall landing on the impervious area(s) of the property; and
- c. “single rainfall event” means a period of rainfall activity defined by preceding and following periods of at least 24 hours without measurable rainfall.

#### Evaluation metric

The percentage allocated for this credit is based on the runoff volume reduction

achieved over the impervious surfaces of the site using a sliding scale of 1% per mm achieved. Self-certification shall be provided by way of a report certified by a Professional Engineer.

#### **A2.4 Pollution Prevention (up to 5%)**

##### **Evaluation criteria**

Develop and implement a pollution prevention plan.

##### **Points of clarification**

Every Pollution Prevention Plan must be consistent with the requirements under Chapter 1047 – Sewage Discharge, as amended or any successor by-law.

##### **Evaluation metric**

Percentage allocated for this credit shall be based on approval of the pollution prevention plan and achievement of distinct milestones of the plan. An approved pollution prevention plan must contain all components as identified in Schedule 'A' of the Chapter 1047 – Sewage Discharge, as amended or any successor by-law.

**Table 2 Pollution Prevention Metric**

Credit percentage	Level Achieved
1%	Implemented 20% of Pollution Prevention (P2) Plan
2%	40% of P2 Plan implemented
3%	60% of P2 Plan implemented
4%	80% of P2 Plan implemented
5%	100% of P2 Plan implemented