Berkeley County Stormwater Utility Fee Credit & Appeals Manual

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1.0 Introduction

Historically, Berkeley County has operated its Stormwater Management Program (SWMP) through an interim rate of fees collected and established by Berkeley County Stormwater Utility Fee Ordinance (no. 14-07-21) and adopted the 28th day of July 2014. The interim Stormwater Utility Fee Ordinance has allowed Berkeley County to establish and collect a set of interim fees for the stormwater services provided by Berkeley County. On June 4, 2018 Berkeley County Council adopted a permanent Stormwater Utility Fee Ordinance (no. 18-05-21) to fund Berkeley County's SWMP. Furthermore, with the adoption of a permanent fee and fee structure described within the existing ordinance, the Berkeley County Engineer was authorized to establish a credit policy. The established stormwater utility, with the permanent fee funding source, is dedicated to addressing stormwater related issues such as flooding, erosion, downstream degradation and water quality problems. The development of the information within this manual was compiled for implementation of a Credit Policy and an Appeals Policy. The following is provided for Berkeley County non-residential fee payers at the discretion of Berkeley County Council, as established during a Council and Public Utilities Committee meeting held on January 14, 2019.

It is the intent of Berkeley County to encourage individual non-residential property owners and our development community to proactively, but realistically, achieve levels of stormwater management on their respective properties. Berkeley County believes by incorporating stormwater management practices that provide offsets to the negative impacts caused through land development, our drainage system, receiving waters and proportionately all Berkeley County property owners, will benefit.

Non-residential property owners willing to implement and maintain stormwater management practices that reduce impact to the County stormwater system or receiving waterbodies thus supporting and complementing the efforts of the Berkeley County SWMP will be eligible for a fee credit. By way of an established fee credit process, Berkeley County can and will make an adjustment to the utility fee paid by the respective property owner for their implementation and for the continued maintenance of the on-site stormwater management practices.

Additionally, the purpose of the appeals program is to enable property owners to seek adjustments for inaccurate parcel classification, incorrect parcel identification, or for errors in the calculation of the parcel's Impervious Area (IA).

In developing a Credit & Appeals policy, Berkeley County devised goals to accomplish that are stated below:

- Provide incentives for non-residential property owners within the County to reduce or correct their stormwater utility bill.
- Encourage the incorporation of sustainable stormwater management practices on properties throughout the County.
- Ease of use for all non-residential property owners to utilize and comprehend while not adversely complicating the stormwater utility fee billing system.
- Improve the equitable nature of the stormwater utility fee and utility rate structure.
- Advancement of water quality throughout the County, thus promoting ecological, recreational and health benefits recouped by all.

The purpose of this Credit & Appeals Manual is to describe specific policies put into place by the County to assist property owners in obtaining a fairer and more equitable fee, associated with impacts occurring to our systems and receiving waters. The policies allow stormwater utility fee credits and appeals to be applied to utility bill fee payers of non-residential properties. Non-residential property owners willing to implement and maintain stormwater management practices on their respective properties and or provide the County with the requested documentation for appeal granting will receive a reduction of fee or a fee adjustment.

It should be noted, when sites discharge stormwater runoff without a treatment process in place, excessive pollutant loadings enter our waterbodies and those pollutants can lead to excessive plant and algal growth as well as other adverse impacts. The result is a range of adverse economic effects on the County that will realistically be borne by all. Several studies have been conducted that document significant economic losses to communities or increased costs associated with anthropogenic nutrient pollution in the following categories: tourism/recreation, commercial fishing, property values, human health, drinking water treatment cost, mitigation, and restoration.

1.1 Stormwater Management Program

The County has been designated the responsible party per the National Pollutant Discharge Elimination System (NPDES) MS4 General Permit to reduce pollutants that discharge to receiving waterbodies via the stormwater system. The number one contributor of non-point source pollution is impervious surface (hard surfaces such as building areas, asphalt, concrete, and heavily compacted areas, etc.). Impervious surfaces reduce the latency time of stormwater that would allow it to be absorbed under normal soil conditions into the natural environment. The stormwater runoff associated with impervious surfaces transports materials such as nutrient loads, metals & petrochemicals from cars and industrial sites, excess phosphorus loads from fertilizers, pet waste and other pollutants to our receiving waterbodies.

Storm events occurring within Berkeley County can produce significant amounts of runoff when coupled with high levels of impervious surfaces found in higher density urbanized areas. With the additional large volume of runoff that is conveyed rapidly through the urbanized landscape and subsequently discharged to receiving streams, downstream flooding and channel erosion can occur. Runoff flowing over areas altered by our continuing development practices also pick up harmful pollutant laden sediments and chemicals such as oil and grease, pesticides, heavy metals, bacteria and nutrients. Most pollutants in surface-water runoff become suspended and are transported to our receiving waters. Once deposited within our receiving waters, these pollutants, if not controlled upstream have adverse economic, ecological, and health effects. If enough pollutants contaminate our receiving waters, the receiving waterbody will be deemed “impaired” and total maximum daily loads (TMDLs) will potentially be established for that waterbody.

There are considerable costs associated with restoring impaired waterbodies, such as developing watershed plans and nutrient trading and offset programs. For example, one trading and offset program developed specifically to assist in nutrient reductions for the Great Miami River Watershed in Ohio that targeted nitrogen and phosphorus, cost an estimated $2.4 million over a 3-year period.

Berkeley County’s SWMP was developed for managing stormwater runoff to avoid water quantity and quality problems. By mapping, planning, constructing, operating, cleaning, regulating and maintaining natural and constructed stormwater management facilities, the County reduces the adverse effects of stormwater. Cleaner stormwater improves the overall quality of groundwater which reduces drinking water

cost and improves the overall water quality of the rivers and lakes that our community utilizes for recreational activity.

1.2 Stormwater Utility

To deliver a stable source of funding for the County to provide stormwater services to our property owners, the County established a stormwater utility fee. Berkeley County's stormwater utility, as with most stormwater utilities, is administered like a water or sanitary sewer utility.

The stormwater utility is designed so that property owners pay a fee that is directly proportional to the amount of impervious surface found on their respective properties. The purpose for the fee being directly proportional to the amount of IA on a given property is due to the affected peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from IA on a property.

The County defines an IA as a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures utilized on development sites. More specifically, impervious surface is composed of any materials which prevent or significantly impede the natural infiltration of stormwater into the soil, thus contributing to increased rates of runoff.

The County measures the amount of impervious surface on any given parcel, by using the number of Equivalent Residential Units (ERUs) on that respective parcel. The County has defined that an ERU will be the utilized billing unit, so that one ERU is equal to the median amount of IA found on a typical single- family residential (SFR) property within the defined stormwater utility area of Berkeley County. Through a Utility Rate Study, it was found that a typical SFR property in the stormwater utility area within Berkeley County contains approximately 2,760 ft^2 of IA. Therefore, one ERU equals 2,760 ft^2 of IA.

The equivalent median amount of impervious applies to all SFR properties and mobile home units, thus are all charged one ERU. Other non-residential properties are charged in proportion and based on the calculated number of ERUs for the existing IA. The calculated number of ERUs is multiplied by the ERU rate to acquire the fee owed. For example, if your non-residential property has five (5) times the amount of IA of one ERU, you will be charged five (5) times the base rate of $36.00 per year (i.e. 5 ERUs or $180.00 per year). This billing methodology is the most prolifically utilized funding mechanism for stormwater utility programs throughout the United States and has been upheld in numerous court cases.

1.3 Credit Options

Section 8 of the Stormwater Utility Fee Ordinance (no. 18-05-21), allows for the Stormwater Management Utility Fee structure to be adjusted via a credit policy system for properties that meet established criteria of self-containment of runoff, documented stormwater facility maintenance practices, implementation of water quality education programs, etc. Designated as **Stormwater Control Measures (SCMs)** from henceforth. A SCM is a stormwater activity, measure, facility or best management practice (BMP) that prevents or reduces the flow of pollutants and reduces stormwater runoff (peak flow rate and/or total volume discharged) to the stormwater drainage system or surrounding bodies of water. These measures can include on-site practices such as bioretention and ponds that manage stormwater at its source.

A credit is an ongoing reduction in the amount of stormwater fees assessed to a parcel in recognition of continuously maintained on-site systems, facilities, BMPs, or other activities taken to reduce the impact of stormwater runoff, in compliance with this manual. In addition to continued maintenance of the SCM, documented evidence of the ongoing maintenance for the SCM must be provided annually for continuance of credit. Non-residential property owners may qualify for credit when they can demonstrate that their existing or new stormwater facility provides cost savings, that the County would otherwise incur as part of the County's stormwater program management efforts.

Table 1-1 summarizes the potential credits available to non-residential property owners within Berkeley County. Each credit is explained in further detail later in this manual.

Table 1-1: Summary of the Berkeley County Potential Stormwater Utility Credits

Type	Term	Potential Credit	Applications require preparation by a Qualified Individual*?
Structural SCM Credits			
Specific SCM Credits			
Above or Below Ground Cistern Credit	Annually	Up to 20%	N
Rain Garden	Annually	Up to 20%	N
Pervious Pavement Credit	Annually	Up to 25%	Y
Vegetated Filter Strip Credit	Annually	Up to 25%	Y
Peak Discharge Rate Reduction Credit	Annually	Up to 42%	Y
Runoff Volume Reduction Credit	Annually	Up to 42%	Y
Quality Treatment Credit	Annually	Up to 10%	Y
Non-Structural SCM Credits			
Low Impact Parcel Credit	Annually	Up to 42%	N
Education Credit	Annually	Up to 42%	N
Industrial NPDES Permit Credit	Permit Term	Up to 20%	N
Watershed Stewardship Credit	Annually	Up to 30%	N

**Calculated report must be signed and sealed by a S.C. registered professional engineer or a landscape architect*

The County, through the application process, will evaluate each submittal on a case-by-case basis when determining the appropriate level of credit. It is highly recommended, before applying for a fee credit, that the property owner contacts the County with any questions regarding eligibility of credit and proposed SCM.

In addition to describing activities that may qualify for a credit on a respective property, this manual outlines the County's basis for determining the amount of credit given, the process by which the credit policy administering the credits is to be managed by Stormwater Management Program staff, and the conditions required to remain eligible for a stormwater utility fee credit.

Granted credits can be retroactively applied to the current property owners' bill for payments received up to three years prior to the effective date of the granted credit, but no earlier than January 14, 2019. To receive reimbursement, the credit being sought must have been in place on the property for all previous years. The property owner must provide evidence satisfactory to the County Engineer establishing the existence of the credit for those years.

1.4 Stormwater Appeals

The objective of the Stormwater Appeals Program is to provide property owners an opportunity to appeal the IA calculations, parcel classification, or change the distribution of the stormwater charges among multiple accounts on a respective parcel or adjoining parcel if historical documentation of initial use and private property owner agreeance is established by an adjoining/adjacent parcel's owner.

The County, through the appeals & application process, will evaluate each submittal on a case-by-case basis when determining the appropriate fee adjustment. It is highly recommended, before applying for an adjustment, that the property owner contacts the County with any questions regarding eligibility of the appeal or application.

Granted appeals can be retroactively applied to the current property owners' bill for payments received up to three years prior to the effective date of the granted appeal, but no earlier than January 14, 2019. To receive reimbursement, the basis or conditions for the appeal granted must have been in place on the property for all previous years. The property owner must provide evidence satisfactory to the County Engineer establishing the existence of the basis or conditions for the appeal for those years.

1.5 Definitions

Bioretention is a process in which contaminants and sediments are removed from stormwater runoff. Stormwater is collected into the treatment area which consists of a grass buffer strip, sand bed, ponding area, organic layer of mulch, planting soil, and plants. First, runoff passes over or through a sand bed, this slows the stormwater runoff's velocity and distributes it evenly along the length of the ponding area. Water is then ponded to an approximate depth of six (6) inches, allowing for gradual infiltration into the bioretention area or allowing for evapotranspiration. Stored water in the bioretention area exfiltrates over a period of days into the underlying soils or through uptake of plants. Rain gardens are a good example of a bioretention technique.

Bioswales are long, channelized depressions or trenches that receive rainwater runoff (as from a parking lot) and have vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to allow infiltration and filter out pollutants. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silts. Additionally, biological factors within the bioswale also contribute to the breakdown of certain pollutants. The bioswale, or other types of biofilters, typically wrap around a parking lot and/or IA and treats the runoff before releasing it to the storm sewer system.

Credit is a reduction in the stormwater utility fee applicable to a given property in recognition of on-site or off-site systems, facilities, measures, BMPs, or other actions taken by the respective property owner(s) to reduce or mitigate the impact of their property(s) on the quantity or quality of stormwater run-off that would otherwise be managed in the public system. Credits will be allocated dependent on the continuing performance of the systems, facilities, measures, BMPs, or other actions, as compared to the standards contained in the Stormwater Utility Ordinance and adopted by Berkeley County Council upon which the credits are granted and may be revised or rescinded.

Design Storm refers to a rainfall event of a certain size or intensity, duration, and/or frequency that will be utilized to calculate the peak stormwater discharge into the stormwater system. For example, a Ten-Year-Storm or Ten-Year Storm Event refers to a rainfall event that is expected to produce rainfall equal to or in exceedance of the average for once in 10 years. Furthermore, it can be expressed as an exceedance probability of 10 percent chance for being equaled or exceeded in any given year.

Equivalent Residential Unit (ERU) is the average amount of impervious surface area, which is 2,760 ft^2, on an SFR property. In the stormwater utility area of Berkeley County, 2,760 ft^2 is the statistical median value for impervious surface area on an SFR parcel. The allocated stormwater fee for non-residential properties throughout the County is based on the number of ERUs for each parcel.

Impervious Surface/Area (IA) is a surface that it is highly resistant to infiltration by water, which includes, but is not limited to, rooftops, sidewalks, streets and roads, parking lots and other similar structures.

Land Disturbance/Land Development is any use of the land by any person that results in a change in the

natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff. Such activities include, but are not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Low Impact Development (LID) is an approach to land development or re-development that works homogenously with nature to manage stormwater as close to its originating source as possible. LID initiates philosophies such as preservation and reproduction of natural environments that recreate the natural landscape, minimize imperviousness, and create functional and aesthetically pleasing site drainage that treats stormwater as a resource rather than a waste product. Through implementation of LID practices, water can be managed in a way that reduces the impact of the built environment and promotes the natural environment by allowing for natural water movement within an ecosystem and watershed. On a holistic approach to watersheds, LID practices can restore hydrologic and ecologic functions.

Maintenance Covenant is a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project. When properly recorded in the property deed records of Berkeley County, the maintenance covenant constitutes a restriction on the title to a site or other land involved in a land development project.

Non-Residential is a real estate which cannot be classified as either Residential or Mobile Home Unit.

Parcel Classification means parcels in the County that can be classified as either Residential, Mobile Home unit, or Non-Residential for stormwater billing purposes.

Peak Discharge is the maximum rate of flow for water entering or exiting a drainage system or on-site stormwater facility. Discharge is typically measured in cubic feet per second (cfs) and associated with a specific design storm (see Design Storm).

Peak Flow Reduction Best Management Practices are the use of physical stormwater management controls, such as detention ponds, to reduce the post-development peak runoff rates. The use of low impact development techniques, such as impervious footprint reduction and the use of green infrastructure, may also reduce peak runoff rates from developed properties.

Pervious Pavements are a range of materials and techniques for paving roads, cycle paths, parking lots and pavements that allow the movement of water and air around the paving material. Although some porous paving materials appear nearly indistinguishable from traditional nonporous materials, their environmental effects are qualitatively different. Whether pervious concrete, porous asphalt, paving stones or bricks, all these pervious materials allow precipitation to percolate through areas that would traditionally be impervious. However, the pervious nature is dependent upon the upkeep and maintenance of the material.

Post-Development Conditions are those conditions which are expected to exist, or do exist, after alteration, of the natural topography, vegetation, and rate, volume or direction of stormwater runoff resulting from development activity (see Land Disturbance/Land Development).

Pre-Development Conditions are those conditions, in terms of the existing topography, vegetation, and rate volume or direction of stormwater runoff, which exist prior to existing site development.

Property Owner is the "owner" or any person who acts in his/her own behalf, that applies for a fee credit or appeal and is the person or entity financially responsible for the stormwater fee associated with a given account and the stormwater facility or system to be maintained and credited.

Cistern(s) are used to collect, store, and reuse rooftop runoff from rainfall events that would otherwise drain directly to the stormwater system or streams. The collected rainwater can be used for a multitude of situations, to include but not limited to water plants, trees or lawns during dry periods. The cisterns are connected directly to downspouts for collection. The storage capacity can range from 500-gallons above-ground tanks to 5,000-gallons or more, below-ground tanks. The barrels are equipped with spigots and or pumps for release of the stored water. This process is also referred to as rainwater harvesting.

Stormwater is rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater Control Measures (SCMs) is an activity, measure or facility that prevents or reduces the transport of pollutants and reduces stormwater runoff (peak flow rate and/or total volume discharged) to the stormwater drainage system or surrounding bodies of water.

Stormwater Fee is a billed amount established by the County to ensure proper operation of the County's Stormwater Utility, that meets the requirements of the County's NPDES Phase II MS4 General Permit. The allocated fee amount billed to the property owner is based on the amount of impervious surface area associated with a given property and the average impervious surface area for an SFR property within the stormwater utility area in Berkeley County (Equivalent Residential Unit – ERU).

Stormwater Management is the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner that is in exceedance of the minimum objectives set forth in the design standards manual, and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Total Volume Reduction Best Management Practices are the use of infiltration techniques to reduce post-development runoff volumes.

Water Quality Best Management Practices, as used in this context, would be for projects that target the removal of specific pollutants from stormwater runoff and that provide general stormwater pollution prevention awareness through educational activities, such as drain marking events.

1.6 List of Acronyms

BMP	Best Management Practice
ERU	Equivalent Residential Unit
EPA	US Environmental Protection Agency
IA	Impervious Area
LID	Low Impact Development
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
SCDHEC	South Carolina Department of Health and Environmental Control
SCMs	Stormwater Control Measures
SFR	Single-family Residence
SWMP	Stormwater Management Program

2.0 Stormwater Utility Fee Appeals & Applications

2.1 Reasons for Stormwater Utility Fee Appeal & Applications

The below information is provided for the purposes of filing a stormwater appeal or application.

2.1.1 Incorrect Parcel

Property owner does not own the parcel for which they are being billed. Incorrect parcel information is typically due to:

- **Incorrect Mailing Address**: The mailing address is incorrect, resulting in the stormwater bill being sent to the wrong address.
- **Property Sale:** The property has been sold and the associated stormwater bill is being sent to the previous owner.
- **Stormwater Account not associated with Correct Parcel:** A stormwater account is receiving stormwater charges based on the IA of another parcel.

2.1.2 Inaccurate Parcel Classification

The use classification of the property is inaccurate or has changed. Inaccurate property classification is typically due to:

- **Development/Redevelopment Projects:** The parcel is under development (or has been redeveloped) and the Real Property classification no longer applies to the current/proposed parcel use.
- **Change in use:** A residential home-site previously being utilized for a non-residential use and the Real Property classification still reflects the non-residential use.
-

2.1.3 Inaccurate Impervious Area

The total IA which is being billed for the parcel is incorrect. Inaccurate IA may result from:

- **Development/Redevelopment Projects:** The parcel has been redeveloped (IA removed), and Berkeley County's impervious coverage data does not reflect changes to the land cover.
- **Inaccurate Mapping:** Geographic Information System (GIS) data for impervious surfaces are collected via an aerial flyover. Assessment of all non-residential parcels on a site-by-site basis is not feasible for staff. While staff work diligently to ensure proper billing for impervious surfaces, not all inaccuracies are identified.
- **Gravel:** Landscaped gravel areas and other surface types appearing as impervious surface in aerial photographs but consist of a pervious gravel cover.

2.1.4 Reallocation of Stormwater Utility Fee Charge Among Multiple Stormwater Accounts to an Adjoining/Adjacent Parcel

When a non-residential parcel owner identifies an IA allocated to their respective parcel due to the parcel's subdivision and the initial intent and use of the IA was for an adjoining or adjacent parcel, Berkeley County will reallocate that charge for the IA to an adjoining/adjacent parcel owner if the IA was initially installed to serve the adjoining/adjacent parcel. However, the parcel owner billed for the subdivided IA must request the reallocation of the fee by filing a Stormwater Utility Fee Reallocation Application from Appendix A, provide historical documentation in the way of land surveys/plats showing the initial intent of the IA, provide documentation indicating their parcel is in no way benefiting from the IA, and provide written and notarized documentation from the adjoining/adjacent parcel owner, allowing for the reallocation of IA to their parcel. Legal deeded ROW/Easement will not be considered for reallocation.

Note: It is possible that granting this request can result in an increase in the stormwater fee to the adjoining/adjacent parcel. For example, if the current adjoining/adjacent parcel's IA is used in a stormwater fee calculation, when the adjustment is performed, the IA of the parcel will increase, potentially resulting in an increase in the parcel's stormwater fee.

2.2 How to Appeal & Apply

2.2.1 Appeals & Applications

2.2.1.1 Stormwater Utility Fee Appeal Form (Appendix A)

A Stormwater Utility Fee Appeals Form for each parcel must be initiated by the owner, owner's authorized representative, or account holder. The property owner may appeal multiple issues in a single appeals application. The property owner may file an appeal for one or more of the reasons listed in Section 2.1:

- Incorrect Parcel
- Inaccurate Parcel Classification
- Inaccurate Impervious Area (IA)

2.2.1.2 Stormwater Utility Fee Reallocation Application (Appendix A)

A reallocation of stormwater utility fee for each parcel identified, as the reallocating parcel and the reallocated to parcel, must be initiated by the owner(s) or the owner's authorized representative(s). The percentages/IA ft^2 specified on Stormwater Utility Fee Reallocation Application must collectively add up to 100% of the IA. A percentage/IA ft^2 must be a positive number with up to two (2) decimal places.

2.2.2 Supporting Documentation

For all stormwater utility fee appeals, the property owner should provide a brief written description of the reason for their stormwater utility fee appeal in the "Explanation of the Basis of the Appeal" section of the Stormwater Utility Fee Appeal Form. The section of the Stormwater Utility Fee Ordinance (no. 18-05-21) that is being appealed, must be provided. It is recommended that the following documentation be provided along with the Stormwater Utility Fee Appeal Form.

2.2.2.1 Incorrect Parcel

Supporting documentation recommended for this appeal type will depend on the reason for the inaccuracy.

- **Incorrect Mailing Address:** Current owner and mailing address for parcel, if known.
- **Property Sale:** Copy of a deed documenting the property transfer.
- **Stormwater Account Not Associated with Correct Parcel:** Copy of a tax card showing assessment.

2.2.2.2 Incorrect Parcel Classification

For appeals related to incorrect parcel information, the Berkeley County Engineer recommends that the applicant provide the following:

- Written description of the requested classification being either residential or non-residential
- Site photographs to help determine property use.
- Documentation from Real Property Services (e.g. Use of property as residential vs non-residential)

Property classifications are available from Real Property Services. Real Property Services contact information is provided below:

Offices of Real Property
Berkeley County Administrative Building
1003 US Highway 52,
Moncks Corner, SC 29461
Moncks Corner: 843-719-4061
Charleston: 843-723-3800 ext. 4061
St. Stephen: 843-567-3136 ext. 4061
Fax: 843-719-4271
Website: https://www.berkeleycountysc.gov/drupal/dept/property

2.2.2.3 Incorrect Impervious Area

The first step in the adjustment process for incorrect impervious area will be a review of the County's calculation of the impervious area. If resolution is not achieved, the County may request the property owner to provide supplemental information to the County Engineer including, but not limited to, survey data prepared by a registered Professional Land Surveyor (P.L.S.) that represents the amount of impervious area and semi-impervious area (graveled locations, etc.) on a parcel and/or engineering reports prepared by registered Professional Engineer (P.E.). Failure to provide sufficient and requested information may result in the denial of the appeal request.

The County may grant adjustments for gravel areas used for landscaping or other purposes (see section 5.0 Other Adjustments). The County Engineer will make the decision regarding the intended purpose of graveled areas and the degree of imperviousness.

For all other appeals related to incorrect IA information, it is recommended that property owners provide adequate evidence supporting the requested IA square footage by providing the following:

- Site plan
- Site photographs
- Marked-up image showing correct parcel boundary and/or impervious coverage
- If the Berkeley County Engineer is unable to decide, based on the information submitted, then the County Engineer may request a land survey prepared by a Registered Surveyor at the property owner's cost.

2.3 Appeal & Application Procedures

2.3.1 Review Stormwater Utility Fee Page Information

The data collected and used to calculate the stormwater utility fee for each property can be reviewed on the Stormwater Utility Fee Page (https://www.berkeleycountysc.gov/drupal/dept/engineering/storm/swfee). If you believe inaccuracies exist with your parcel, an appeal or application can be filed.

2.3.2 Appeal & Application Forms

The Stormwater Utility Fee Appeal Form, and the Stormwater Utility Fee Reallocation Application, are available online at https://www.berkeleycountysc.gov/drupal/dept/engineering/storm/swfee
More information on these forms can be found in Section 2.2.1.

2.3.3 Appeal & Application Submission

The completed Stormwater Utility Fee Appeal & Application Forms and the supporting documentation must be submitted to:

Stormwater Management Program
Berkeley County Engineering Department
212 Oakley Plantation Drive
Moncks Corner, SC 29461

Or, Stormwater Utility Fee Appeal & Application Forms and supporting documentation can be emailed to webswmp@berkeleycountysc.gov.

2.3.4 Technical Review

The Berkeley County Engineer will review the submitted Stormwater Utility Fee Appeal or Application Form once it is received and determine any corrections to billing data that may be warranted. Applicants may be contacted if further information is required or to arrange a site visit.

2.3.5 Notice of Decision

The Berkeley County Engineer will send a written notice of his/her decision to the applicant upon completion of the technical review of the Stormwater Utility Fee Appeal Form. The notice of disposition will state the County Engineer's decision regarding the Stormwater Utility Fee Appeal Form. If the property owner feels aggrieved by the County Engineer's decision, the property owner may appeal to County Council under Section 13 of Stormwater Utility Fee Ordinance (no. 18-05-21). County Council's decision is final with respect to utility fees.

2.3.6 Stormwater Utility Fee Billing Adjustments

The length of time to process a Stormwater Utility Fee Appeal Form (including review, issuing a decision letter, and applying any billing adjustments) is no more than thirty (30) days after receipt of written appeal, by ordinance. If an appeal or application results in adjustments to any previously billed amounts, or the annual stormwater charge calculated, these adjustments will be reflected in the property owner's annual stormwater utility fee bill for the current and following year. For stormwater utility fees already paid that are subsequently adjusted, any reimbursement will be provided to the property owner.

2.4 Policies

2.4.1 Parcel Classifications

The parcel classifications utilized in Berkeley County's Stormwater Billing Database are based on classifications determined by the Berkeley County Office of Real Property. Additional information regarding a parcel's classification is available from the County's offices of Real Property at https://www.berkeleycountysc.gov/drupal/dept/property/search or the County's Register of Deeds Department at search.berkeleydeeds.com.

2.4.2 Burden of Proof

If a property owner files a Stormwater Utility Fee Appeal Form, it is the property owner's responsibility to demonstrate that Berkeley County's calculation of IA, designation of stormwater parcel classification, or record of owner is erroneous. An owner may need to resolve errors in public records with other County departments (such as Real Property or Register of Deeds).

2.4.3 Right of Entry

Following submission of a Stormwater Utility Fee Appeal or Application Form, the property owner shall grant the County, its employees, or authorized agent's permission to enter the parcel on providing forty-eight (48) hour notice and, in any case, at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the appeal or application accurately represents the current parcel conditions.

2.4.4 Stormwater Utility Fee Payment

A pending appeal shall not constitute a valid reason for non-payment of the Stormwater Utility Fee.

2.4.5 Cost of Documentation

The property owner (appealing party) is solely responsible for costs incurred in the preparation of the required documentation and/or the submission of a Stormwater Utility Fee Appeal Form. There is no application fee associated with the filing of a Stormwater Utility Fee Appeal Form.

2.4.6 Granted Stormwater Utility Fee Appeal Effective Date

If the appeal or application results in a revised IA calculation, correction of parcel classification, correction of parcel ownership, or revisions to the original stormwater utility fee allocation, then the adjusted stormwater utility fee will be effective upon the County's decision date of granting the appeal or application request.

2.4.7 Stormwater Utility Fee Appeal Decision Grievances

For questions regarding an appeal decision, property owners can discuss with Berkeley County Stormwater/Engineering Department staff at webswmp@berkeleycountysc.gov or (843) 719-4195.

Any person aggrieved by the decision of the County Engineer may appeal, in writing to County Council, whose decision becomes final with respect to utility fees and civil penalties. Appeal requests to County Council can be emailed to webswmp@berkeleycountysc.gov for processing. A copy of the Stormwater Utility Fee Appeal Form, Berkeley County's notice of disposition, and any other supporting documentation to support your appeal must be provided for further processing to County Council.

3.0 Credit Manual General Policies

This section outlines the general policies for Stormwater Utility credits.

3.1 Eligibility

Any non-residential property within the stormwater utility area of Berkeley County that is subject to the stormwater utility fee may be eligible for a reduction in their fee through stormwater utility fee credits. If a non-residential property is deemed to be eligible for a stormwater fee credit, the credit will apply only to developed land containing a Berkeley County SWMP approved SCM eligible for the credit. These measures can include on-site practices such as bioretention cells, vegetated swales, and other practices that manage

stormwater at its source.

Credits are available only when qualifying SCMs have been properly installed and maintained, whether implemented before or after initiation of the County's Stormwater Utility Ordinance.

Stormwater Utility accounts with past-due balances will not be eligible to apply for stormwater fee credits. Existing credited Stormwater Utility accounts not paying their stormwater charges will be deemed ineligible for future credit and revocation of existing credits.

3.2 Transfer of Credit

The stormwater credits issued applies only to the non-residential property owner. Credits do not transfer when ownership changes. **A new application must be submitted by the new non-residential property owner(s) to continue receiving the credit.**

3.3 Coverage

Non-residential property owners and other privately-owned stormwater facility operators may qualify for user fee credits when they can demonstrate that their existing or proposed stormwater facilities meet current stormwater standards and provide the County value in managing stormwater quantity, quality or auxiliary services. It is the intention of the Stormwater Utility that the user fee credits will provide incentive to the private facility operators to improve their facilities as County ordinances and standards are changed. The amount of credit will be determined by the County on a case-by-case basis utilizing the following formula for the amount of credit earned for a SCM:

Credit earned = (% Credit eligible for a SCM) x (Stormwater Fee) x (% of impervious or pervious area treated)

For example, if a site has a detention pond installed which qualifies the site for a 20% credit toward its Stormwater Utility fees, but only 50% of the IA on-site drains to the pond, then the site can only be granted a 10% credit (20%*50%). Furthermore, if the fee paid for the site is $350, then the site receiving a 10% credit will have a fee of $315 throughout the entirety of the property owner's ownership. This credit is contingent on continued maintenance of the SCM verified in annual submittals, that there be no increase in impervious surfaces on the property, and that there be no utility fee ordinance revisions by Berkeley County Council that affect this manual.

3.4 Credit Limits & Restrictions

Non-residential property owners can apply for credits from any or a combination of the categories listed in this manual. **The maximum allowable credit is 42% of the gross billing amount for commercial, industrial, tax-exempt and non-profit, institutional, HOA common areas, multi-family (duplexes and townhomes not subdivided by parcel lines), boat slips (dry stack marinas), and properties whose primary function is not a single-family residence or mobile home residence, regardless of how many individual credits for which the property qualifies.**

The maximum allowable credit limit is based on the concept that if all non-residential property owners could mitigate all their respective impacts of impervious surfaces on their properties, the County still must

maintain the drainage system and meet NPDES permit requirements associated with public rights-of-way (ROW)/streets and vacant/agriculture/forested properties (non-billed properties) and incur cost for programs mandated by the NPDES MS4 permit, such as routine system inspection and maintenance, illicit discharge detection and elimination, construction site inspections, etc.

Restrictions

- No public or private property shall receive Credit to offset Fees for any condition or activity unrelated to the County's cost of providing stormwater management services.
- No Credit will be applied to any parcel that reduces the Fee to an amount less than one Equivalent Residential Unit Fee.
- Credits will not apply to Stormwater Pollution Prevention Plan (SWPPP) Review and Inspection fees attributable to new development or redevelopment projects.
- Any BMP or portion(s) of the SCM within a permanent storm drainage easement maintained by the government (municipality, county or state), shall not be eligible for a fee credit.
- Credit shall only be given to the property owner of record.
- Adjustments for gravel locations (Section 5.0 Other Adjustments) are applicable to only the gravel locations and can't be utilized in the credit earned formula, as a SCM or percent of area treated.

3.5 Community Requirements

A stormwater fee credit is only applicable for SCMs that are allowed by the member community (HOA) in which the property is located. **SCMs must meet all applicable building, subdivision and planning, zoning code requirements of member communities including downspout disconnection, landscaping, and property setbacks requirements.**

For more information on applicable building, subdivision and planning, and zoning code requirements contact or visit Berkeley County Planning and Zoning or Berkeley County Building and Codes at:

Building & Codes Department
1003 US Highway 52
Moncks Corner, SC 29461
Moncks Corner: 843-719-4758
Charleston: 843-723-3800 ext. 4758
St. Stephen: 843-567-3136 ext. 4758
Fax: 843-719-4053
Email: webcde@berkeleycountysc.gov

Or

Planning & Zoning Department
1003 US Highway 52
Moncks Corner, SC 29461
Moncks Corner: 843-719-4095
Charleston: 843-723-3800 ext. 4095
St. Stephen: 843-567-3136 ext. 4095
Fax: 843-719-4053
Email: webpaz@berkeleycountysc.gov

3.6 Application Procedure

To apply for a credit, the non-residential property owner or his/her representative must complete a Credit Application form (**Appendix A**) and a Right-of-Entry form (**Appendix C**) to furnish to the Berkeley County SWMP. To be considered complete, all applications must include all required owner contact information, property information, the "type" of credit selected, and a brief description of the proposed credit. It is recommended that you provide all supporting calculations, plans, sketches, photos, and other documentation which may assist the County in reviewing the Credit Application. All credits will be verified by the County Engineer or designee to ensure compliance with this credit manual.

All Credit Applications must be submitted before May 1st of each year and if it meets the requirements of this manual, will be approved by July 1st in that given calendar year for any awarded credits to be applied on the subsequent years billing cycle. The County will issue a letter of acceptance or denial of a yearly credit renewal request within forty-five (45) business days of receiving the request. Denied renewal requests may be resubmitted addressing Berkeley County comments but must be received no later than July 1st.

3.7 Maintenance Requirements

All stormwater management facilities require proper maintenance to perform as designed and to prevent the potential of a public nuisance. A non-residential property owner seeking a stormwater fee credit must agree to adhere to an approved and executed inspection by County or approved personnel and a maintenance plan for the SCM which qualifies for the credit.

For new or retrofitted SCMs, the maintenance covenant (**Appendix D**) will include the maintenance plan for the respective SCM(s) being utilized for the stormwater fee credit and must be submitted as part of the Credit Application. For all existing SCMs, a maintenance covenant must be submitted and approved as part of the Credit Application process.

In addition to providing the proper inspection documentation and maintenance plan for the SCM, the recipient of a stormwater credit is responsible for notifying the County in writing if the SCM is to ever become compromised or damaged in any way. The County should also be notified in writing of any work that takes place (repair or alteration) that will impact how the SCM operates. Failure to notify the County of any work or damage that takes place, could result in revocation of the credit if the SCM no longer operates to its originally designed capacity.

3.8 Renewal

The terms of credits vary from 1 to 5 years, depending on the type of credit. At the end of the credit term, the credit will automatically expire. It is the non-residential property owner's responsibility to ensure that an application is made prior to the credit expiring. The non-residential property owner must submit the County's renewal form to continue to receive credits. Failure to submit renewal information by the required deadline, May 1st, will result in elimination of the credit for that subsequent year's billing cycle.

The required Renewal Packet documentation consists of the following:

- Renewal Form (**Appendix B**).
- Inspection report(s) for each individual SCM being utilized to seek credit.
- The most up-to-date (time stamped) photographs showing the condition (including any known damage) of a SCM.
- Records demonstrating that required maintenance activities and/or repairs have been completed.

3.9 Inspections

Each non-residential property owner that has applied for and received a stormwater fee credit for an approved SCM has the responsibility to inspect and repair their SCM to ensure that it is functioning as it was when initially credited. In addition, the County reserves the right to inspect the SCM receiving the respective credit and to audit the inspection/maintenance records maintained by the non-residential property owners at any time during the term of the credit. As a condition of receiving a credit, a property owner must agree to allow the County un-restricted Right-of-Entry or an access easement to inspect the SCM(s) associated with the stormwater fee credit (see **Appendix C**).

3.10 Enforcement

If a SCM and/or facility exhibits the need for repair or maintenance, a Notice of Violation (NOV) will be sent to the property owner stating the improvements and/or corrections necessary to bring the property back into compliance with existing Berkeley County Stormwater Management Ordinance (no. 14-11-36) and or any subsequent amendments or modifications to the Ordinance. If adequate improvements and/or corrections to the facility are not completed or addressed within the time frame specified in the NOV, the forthcoming credit will be forfeited for that respective property and SCM. Additionally, the provisions of this manual shall not affect the Stormwater Management Ordinance (no. 14-11-36) as a whole, or any part thereof, and do not relieve the property owner from compliance with the provisions and sections covered under Stormwater Management Ordinance (no. 14-11-36) or any subsequent revisions of the Stormwater Management Ordinance.

If the field inspection proves that any of the annual documentation submitted for continuation of the utility fee credit is not accurate, the credit will be immediately forfeited. Furthermore, no future credit will be considered until adequate improvements and/or corrections to the facility or SCM are completed.

4.0 Stormwater Fee Credit Options

This section provides an overview of credit options for all non-residential property owners. The credit amount will be determined based on the type of SCM and percentage of the IA of the site that drains to the SCM. **The maximum allowable credit is 42% of the gross billing amount for commercial, industrial, tax-exempt and non-profit, institutional, HOA common areas, multi-family (duplexes and townhomes not subdivided by parcel lines), boat slips (dry stack marinas), and properties whose primary function is not a single-family residence or mobile home residence, regardless of how many**

individual credits for which the property qualifies.

Qualification for a credit may be achieved using one or more SCM features or activities eligible for a stormwater credit under the stormwater credit policy, but under no circumstances shall the total credit applied to the stormwater fee exceed the maximum stormwater fee credit established by County Council. The property owner must show that a County-approved SCM has been effectively implemented on the property to maintain the credit.

It should be noted, that the County wishes to encourage the installation of these types of SCMs to increase the effectiveness of the SWMP efforts. Instead of utilizing a one size fits all approach, the County has determined that it would be more advantageous for the individual property owner to determine what kinds of SCMs they desire to utilize to receive their respective stormwater fee credit. Non-residential property owners seeking a credit may request County input on unique approaches for improving on-site stormwater management in lieu of those presented in this manual.

The SWMP will review and evaluate each request on a case-by-case basis to determine the credit value for a site to which the SCM is being applied. In each case, the County will be using the EPA, SCDHEC or other published industry standards on stormwater management technologies to evaluate the SCM presented for stormwater fee credit.

In addition, this manual is not meant to replace the services of experienced, professional installers. It is recommended that a qualified installer be consulted for applications using any of these options to ensure the property owners desired results are met.

4.1 Structural SCM Credits

There are a wide variety of structural SCMs in use for stormwater management. Structural SCMs include engineered and constructed systems that are designed to reduce the stormwater runoff issues mentioned in Section 1 (peak discharge rate, volume and quality) flowing from their properties to the stormwater system or surrounding waterbodies. This section outlines the County-approved structural SCMs that may qualify for Structural SCM Credits.

4.1.1 Above or Below Ground Cistern (Full Credit: 20%)

A credit of 5% is available for every 500-gallons of storable rain harvested, via above ground or below ground cistern, up to 20% of the total fee assessed. For example, a non-residential property will qualify for a 5% credit of the total fee for each 500-gallons of harvested rain water (500-gallons harvested = 5% credit). For each additional 500-gallons of harvested rain water collection system, an additional 5% credit per 500-gallons will be allocated toward the total fee assessed (1,000-gallons = 10% credit, 1,500-gallons = 15%, and 2,000-gallons or more = 20% credit). Cisterns are not a replacement for Design Standard requirements but are an addition to applicable site development standards outlined in the Design Standard Manual.

Credit may be approved if the following criteria are met:

- The minimum capacity acceptable shall be 500-gallons.
- Above ground cisterns must be covered with a lid or fine mesh screen that prevents mosquitoes from entering the container.
- All gutters leading to the cistern require leaf screens with openings no larger than 0.5 inches across their entire length including the downspout opening
- Cisterns must be equipped with an overflow or bypass mechanism to divert rainwater to the storm drainage systems when the storage structure is full, and water should be released slowly onto well-vegetated, stable, and non-eroding soil.

- Collected rainwater should be accessible and able to be moved to the desired location without moving the container, either through a gravity-fed line, with a watering can, or using a pump system
- Piping – Piping for rainwater harvesting systems shall be separate from and shall not include any direct connection to any potable water piping.
- Labeling – Every supply, hose bibb or irrigation outlet shall be permanently identified with an indelibly marked placard stating: “CAUTION: RECLAIMED WATER, DO NOT DRINK.”
- Cisterns should be appropriately sized for the expected amount of runoff. Water should not be allowed to sit in the cistern for long periods of time and should be discharged to disconnected areas during dry weather conditions of seventy-two (72) hours or more of less than .10 inches of rain.
- Stormwater overflows from cisterns or the draining of cisterns must be directed to appropriate outlets to the storm drainage system or to vegetated areas, and away from neighboring properties, sidewalks, steep slopes, or retaining walls.

Table 4-1: Maintenance Activities for Cisterns

Activity	Schedule
Clean roof and gutters to reduce debris	As Needed
Remove any debris that has accumulated on the lid that might block the screen mesh. Clear off any screens.	As Needed
Empty and clean the inside of the rain cistern. Check the over- flow apparatus, pump, and connections to ensure the cistern is in proper working condition.	Annually/As Needed

Check any hoses or pipes associated with the cistern to clear any debris.	Annually/As Needed
To winterize, disconnect and return the downspout to its original configuration. Remove the hoses, pumps, pipes and mesh screen and store them if possible. Make sure to drain the cistern to prevent it from freezing and cracking. If possible, store the above ground cistern in an area of direct sunlight.	Annually/As Needed

4.1.2 Rain Garden (Full Credit: 20%)

Rain gardens or bioretention areas are landscaped areas built in a depression that are designed to capture and filter stormwater runoff from a roof or another impervious surface. They are landscaped with native plant species to add aesthetic value to a property while simultaneously recharging groundwater supplies and providing onsite treatment and storage of stormwater runoff. The plants and soil of the rain garden provides an easy, natural way of allowing stormwater to soak into the ground (as opposed to flowing into storm drains and surface waters which causes erosion, pollution, flooding, and diminishedgroundwater).

To obtain this credit, the rain garden must meet the following criteria:

- At least 25% of a property's impervious surface area must drain to the raingarden and must appropriately treat all designed stormwater runoff.
- Stormwater overflows from the rain garden must be directed to appropriate outlets or areas and away from neighboring properties, sidewalks, steep slopes, or retaining walls.
- The rain garden must be sized and constructed per the Rain Garden Manual from the Clemson Extension Service (see **Appendix E**). Any alternate design must be pre-approved.

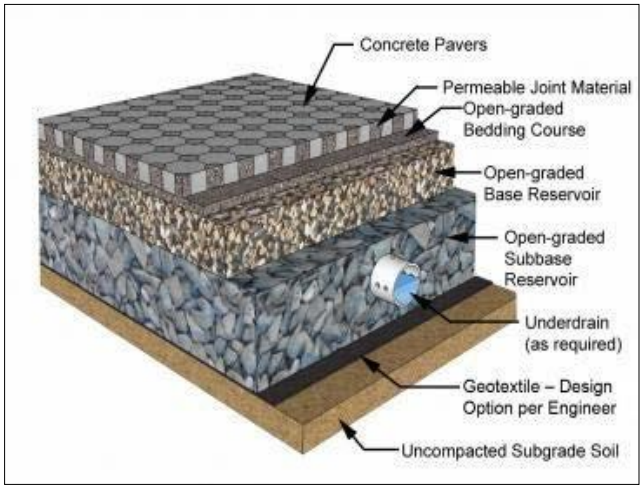
Rain gardens must be maintained to ensure continued function per tasks listed in **Table 4-2**. The credit application and renewal processes will require documentation (including photographs) to demonstrate the rain garden was built to standard and continues to function as approved. Rain gardens must be maintained in accordance with the guidelines in the table below:

Table 4-2: Maintenance Activities for Rain Gardens

Activity	Schedule
Mulch void areas	As needed
Treat diseased trees and shrubs	As needed
Mow turf areas	As needed
Water plants daily for 2 weeks	At project completion
Inspect soil and repair eroded areas	Monthly
Remove litter and debris	As needed

Remove and replace dead and diseased vegetation	Twice per year
Add mulch	Once per year
Replace tree stakes and wires	Once per year

4.1.3 Pervious Pavement (Full Credit: 25%)



Pervious pavement is designed to allow percolation or infiltration of storm-water through the surface into the soil below where the water is naturally filtered, and pollutants are removed.

Pervious pavement may include paving blocks, grid pavers, or pervious concrete. Pervious pavements can be used for driveways and patios with a stone reservoir underneath. The reservoir temporarily stores surface runoff before infiltrating it into the soil below the stone reservoir. Runoff is infiltrated directly into the soil and improves water quality.

Compacted gravel driveways and/or parking areas are not considered a type of pervious pavement

Credit may be approved if the following criteria are met:

- The pervious pavement is installed for runoff infiltration.
- Area of pervious pavement is at least 1,000 ft^2.
- The installation meets the local building and zoning standards for driveway installations.
- The pervious pavement must be sized and constructed in accordance with the SCDHEC Stormwater Management BMP Field Manual (see **Appendix F**). Any alternate design, SCM without recordation, or historical retrofit must be pre- approved by Berkeley County.

Pervious pavement must be maintained in accordance with the guidelines in the table below:

Table 4-3: Maintenance Activities for Pervious Pavement

Required Maintenance	Frequency
Ensure pervious pavement system is draining and there are no visible signs of standing water on the surface.	As Needed
Do not apply salt or sand during winter months.	Winter Months
Use a professional vacuum service to remove sediment accumulation and organic debris on the pavement surface.	Annually
Remove accumulated leaves and debris from pavement surface.	In Fall/As Needed

Application for this credit must be prepared by a qualified individual who is a licensed S. C. professional engineer or landscape architect.

4.1.4 Vegetated Filter Strip (Full Credit: 25%)

Vegetated filter strips are uniform strips of dense turf, meadow grasses, trees or other vegetation with a minimum slope to treat the water quality of small sheet flows from impervious surfaces.

Credit may be approved if the following criteria is met:
The vegetated filter strip has enough capacity to treat at least 50% of the property's IA.

- Filter strips are fully vegetated, and vegetation is healthy and there are no areas of bare soil or mulch.
- Filter strips must be at least 50 feet long and 10 feet wide with slopes less than 5%.
- Runoff from roof downspouts must be dispersed using splash blocks.
- The vegetated filter strip must be sized and constructed in accordance with the SCDHEC Stormwater Management BMP Manual (see **Appendix F**). Any alternate design must be pre- approved by Berkeley County.

The vegetated filter strip must be maintained per the guidelines in the table below:

Table 4-4: Maintenance Activities for Vegetated Filter Strip

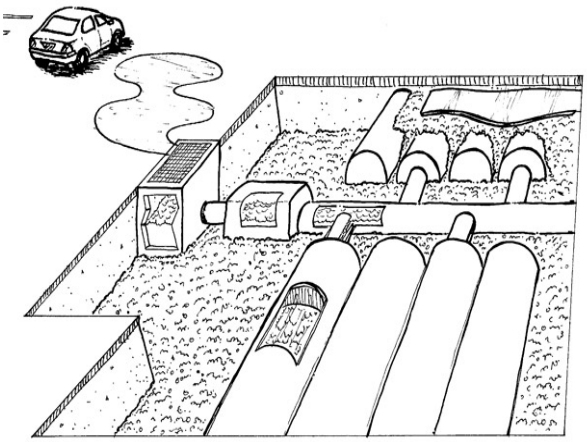
Required Maintenance	Frequency
Mow grass to maintain design height.	Regularly (frequently)
Remove litter and debris.	Regularly (frequently)
Inspect for erosion, rills and gullies, and repair.	Annual, or as needed
Repair sparse vegetation.	Annual, or as needed
Inspect to ensure that grass has established. If not, replace with an alternative species.	Annual, or as needed
Nutrient and pesticide management.	Annual, or as needed
Aeration of soil.	Annual, or as needed

Application for this credit must be prepared by a qualified individual who is a licensed S.C. professional engineer or landscape architect.

4.1.5 Stormwater Peak Rate Reduction Credit (Full Credit: 42%)

A Peak Rate Reduction Credit is available to non-residential property owners who have County-approved SCMs that reduce the peak rate of stormwater runoff discharged from the property owner's property. **Only the impervious surfaces of the site that drain through the SCM are eligible for a credit.**

Detention basins are designed to intercept a volume of stormwater, temporarily impound the water and release it shortly after the storm event. The main purpose of a detention basin is to achieve quantity control by reducing the peak flow rate of stormwater discharges. They are not designed to retain a permanent pool volume between runoff events, and most basins are designed to empty in a period of 24 to 36 hours. Detention basins can limit downstream scour and loss of aquatic habitat by reducing the peak flow rate and energy of stormwater discharges to the receiving stream, but their removal of pollutants can be limited.



The peak rate reduction credit applies to properties with a SCM that reduces post-development peak runoff rates for the 5-year, 10-year, 25-year, 50-year and 100-year design storms to pre-development levels. **Table 4-5** shows the credit opportunities.

Table 4-5: Stormwater Peak Rate Reduction Credit Structure

Controlling 5-YR Storm	Controlling 10-YR Storm	Controlling 25-YR Storm	Controlling 50-YR Storm	Controlling 100-YR Storm
8%	16%	24%	32%	42%

The credit may be approved if the SCMs are designed, constructed and maintained in accordance with the SCDHEC Stormwater Management BMP Manual and Berkeley County's Design Standards Manual (see **Appendix F** and **Appendix G**). Any alternate design, SCM without recordation, or historical retrofit must be pre-approved By Berkeley County. Application for this credit must be prepared by a qualified individual who is a S.C. licensed professional engineer or landscape architect.

4.1.6 Stormwater Volume Reduction Credit (Full Credit: 42%)

Volume reduction refers to the volume that enters a SCM that does not discharge off-site. This water is considered retained. The key volume reduction mechanisms can be categorized as follows:

- Infiltration below the SCM and through the side walls and percolation to groundwater or shallow interflow pathways.
- Evaporation of ponded water.
- Evapotranspiration of water stored in the root zone below the surface of the SCM.
- Demand for stored water, generally either for irrigation or another non-potable uses such as toilet flushing.

The relative magnitude of each practice is expected to vary by SCM type, underlying soil types, groundwater conditions and connectivity to receiving waters, climate, and non-potable water demand.

By installing SCMs to reduce runoff volume, non-residential property owners may be eligible for a credit of up to 42%. To qualify, property owners must demonstrate that their existing or new SCM manages stormwater generated from their immediate property and/or upstream tributary areas. In addition, the SCM must meet design criteria outlined in the Stormwater Design Standards Manual. The SCM must also meet all DHEC Stormwater Best Management Practices standards.

For each of the design storms discussed in the following sections, the stormwater facility must be designed to control the storm event from the Post-Development conditions back to the Pre-Development conditions. The structure of the Stormwater Facility Credit is explained below.

The credit may be approved if the SCMs are designed, constructed and maintained in accordance with SCDHEC Stormwater Management BMP Manual and Berkeley County's Design Standard Manual (see **Appendix F** and **Appendix G**). Any alternate design, SCM without recordation, or historical retrofit must be pre-approved By Berkeley County.

Table 4-6 shows the credit opportunities for non-residential property owners with a SCM that controls on-site stormwater runoff and/or runoff from an upstream tributaryarea.

Table 4-6: Stormwater Volume Reduction Credit Structure

Controlling 2-Yr Storm	Controlling 5-YR Storm	Controlling 10-YR Storm	Controlling 25-YR Storm
10%	20%	30%	42%

Applications for this credit must be prepared by a qualified individual who is a S.C. licensed professional engineer or landscape architect.

4.1.7 Stormwater Quality Credit (Full Credit: 10%)

Properly designed, constructed and maintained SCMs can effectively remove a wide range of pollutants from urban runoff. A Stormwater Quality credit of up to 10% is available to non-residential property owners who have installed a County-approved SCM that provides a permanent reduction of pollutants, specifically suspended solids (TSS), from the stormwater runoff leaving their property. The credit is only available for the impervious surfaces that drain to each SCM. County-approved SCMs that qualify for a Stormwater Quality Credit include:

- Wet Detention Ponds
- Dry Detention Ponds
- Underground Detention Systems
- Stormwater Wetlands
- Bioretention Areas
- Infiltration Trenches
- Enhanced Dry Swales
- Pre-Fabricated Control Devices
- Vegetated Filter Strips
- Porous Surfacing

NOTE: a detention pond that is being used for a Stormwater Peak Rate and Volume Reduction Credit may

also be approved as a SCM for a Stormwater Quality Credit if properly designed.

To be eligible for the credit, the engineering certification or calculations must be provided to show that the SCM can remove 85 percent of the total suspended solids (TSS) based on 10-yr., 24-hr storm events. This credit will be based upon hydrologic data, water quality data, design specifications, and other pertinent data supplied by qualified, S.C. licensed professionals on behalf of property owners.

The amount of credit earned by a non-residential property is determined by the type of SCM installed, the number of SCMs installed and the percentage of the IA on-site that drains to the SCM(s). The following formula determines the amount of credit earned by a Water Quality SCM:

Credit Earned = (10% Credit) * (Stormwater Fee) * (% of impervious area treated)

The credit may be approved if the SCMs are designed, constructed and maintained in accordance with SCDHEC Stormwater Management BMP Field Manual and Berkeley County's Design Standards Manual (see **Appendix F** and **Appendix G**). Any alternate design, SCM without recordation, or historical retrofit must be pre-approved by Berkeley County.

Application for this credit must be prepared by a qualified individual who is a S.C. licensed professional engineer or landscape architect.

4.2 Non-Structural SCM Credits

Non-structural SCMs include institutional and pollution-prevention type practices designed to prevent pollutants from entering stormwater runoff or reduce the volume of stormwater requiring management. Non-structural SCMs can be very effective in controlling pollution generated at the source, which can reduce or eliminate the need for costly end-of-pipe treatment by structural SCMs.

4.2.1 Low Impact Parcel (Full Credit: 42%)

A low impact parcel is one that has reduced land disturbance and minimal impervious surfaces, manages stormwater runoff on-site, and is less than 7% impervious. **Table 4-7** shows credit opportunities associated with different percentages of imperious surfaces on-site:

Table 4-7: Low Impact Parcel Credit Opportunities

Percentage of Impervious Surface	Credit Opportunity
≤5%	42%
>5% but ≤7%	30%
>7% but ≤9%	20%
>9% but ≤10%	10%

To qualify for this credit, the non-residential property owner should submit the following:

- Site map showing the entire parcel;
- All IA on the property; and
- Calculation of the percent impervious.

Credit shall be applied on a per parcel basis. Adjacent properties owned by the same entity may not be included in the calculation of percent impervious for the specific parcel against which the credit is to be applied.

For more information on LID practices that could be considered for credit, please visit the Low Impact Development in Coastal South Carolina: A Planning and Design Guide at http://www.scseagrant.org/pdf_files/LID-in-Coastal-SC-low-res.pdf

4.2.2 Education Credit (Full Credit: 42%)

Berkeley County is required by the NPDES Phase II MS4 Permit to educate the public about watershed pollution and protection, surface and groundwater resources, the effects of urbanization on these resources, and the impact of their actions on preserving and restoring the physical, chemical, and biological integrity of the County's water resources. The stormwater education credit is intended to encourage public and private schools to educate students or County residents and support the County's education outreach goals. Accordingly, the public or private schools that teach eligible stormwater related curriculums to all students may receive a stormwater credit of up to 42%. The rationale behind this credit is that information provided by the schools will translate into stewardship of water resources and thereby reduce negative impacts (usually pollutant impacts) on local creeks, ponds, rivers and lakes that can result from uninformed citizens.

The credit is subject to the following conditions:

- The education outreach is designed to reach every student on the property annually.
- The credit requires submittal of an application that indicates the success of the program. The application must be completed annually, and requires a description of the educational programs provided, lists of educational tools used, estimated number of students that will receive or have already received education on stormwater related practices, and the overall length of the education program.
- The credit will only be applied to the specific location in which the qualified school property(s) where the curriculum is taught, not the whole Berkeley County School District and or other facilities.
- To qualify for this credit, the educational program must be pre-approved by the County and documentation provided by the schools to certify that the program had been carried out as approved in the credit application. Documentation will also be required to confirm the students' attendance.
- Partial credit will not be assessed as part of the Education Credit. The intent is to ensure the education outreach goals are obtained by providing the curriculum.

Examples of potential classes and/or courses that can be incorporated into a successful program are provided for in, **Appendix H**: **Clemson Extension Educational Programs.**

4.2.3 Industrial NPDES Permit (Full Credit: 20%)

By complying with the NPDES Industrial Stormwater Permit requirements, Non-residential property owners are helping the County address potential water quality issues on-site before they are discharged into the public drainage system and/or natural waterways. Therefore, these properties are eligible for a stormwater utility fee credit. A 20% credit may be given for sites which are subject to Industrial NPDES Stormwater Permits through DHEC. For a site to receive this credit, it must be individually permitted and maintain its permit in good standing. Proof of a valid permit, as well as **digital** copies of annual reports shall be submitted to the County's SWMP, for a property owner to receive or renew the credit.

4.2.4 Watershed Stewardship Activities (Up to 30%)

The stormwater watershed stewardship credit is intended to encourage non-profit and religious institutions and or faith-based organizations to apply for this stormwater user fee credit if the owner participates in a County approved local watershed stewardship activity or event. **All eligible events will need to be set-up, organized and executed through the County prior to the occurrence of the event, for County approval**. Owners seeking approval under this credit, must demonstrate that a minimum of 25 individuals or 25% of the assembling body, whichever comes first, participated in the approved event.

Examples of eligible watershed stewardship activities include State approved programs that include Adopt-A-Stream Program or Adopt-A-Highway program, Keep Berkeley Beautiful approved programs that include Adopt-A-Landing program or river sweeps, or any County approved programs that include storm drain catch basin marking or etc. Other activities may be considered eligible for this user fee credit, but the stormwater utility property owner must verify the activity/event's eligibility with the County in advance.

- The credit will be applied in 10% increments for each approved Watershed Stewardship activity that is successfully attended and completed. The allowable maximum for the Watershed Stewardship Credit is 30%.
- If an eligible owner successfully completes a minimum of three events within one billing cycle, then the property owner will be credited 30% on the next annual fee billed.
- It should be noted that successfully participating in and completing more than three events will not carry over into a subsequent years billing cycle.

This credit is subject to the owner completing the following conditions:

- The owner shall secure the required approval(s) from the County for the Watershed Stewardship activity or event(s) prior to holding the event.
- The owner shall submit a credit application for each watershed stewardship activity that they request approval to undertake and include the relevant supporting information. The owner should consult with the County as to the supporting information that needs to be submitted in the application.
- After County review of supporting documentation, and if the requested watershed stewardship event is approved, the owner will then proceed with the event/activity, utilizing the necessary minimum threshold of 25 individuals or 25% of the assembling body for that organization.
- After completion of the watershed stewardship activity, the owner shall submit proper documentation to demonstrate the successful completion of the event/activity. If proper documentation demonstrating successful completion of an event/activity is deemed to be in conformance with the requirements of this credit, the County will apply an 10% credit to the account for the documented event/activity. However, if the post-event documentation is not properly submitted to the County and/or the County does not approve the credit, the County will notify the owner as to why the credit was not applied, so that the owner can attempt to resolve the matter.

5.0 Other Adjustments

In addition to the “credit” provisions presented in previous sections of this manual, adjustments may also be granted when a property owner provides proper documentation via the appeals process indicating the extent of gravel surfaces on a respective parcel.

The charges for gravel surfaces may be reduced, up to 42%, to account for the minor amount of infiltration that can occur. This reduction only applies to graveled locations on the respective parcel seeking the adjustment. All gravel locations must be documented and submitted for review to the County Engineer through the County’s appeals process, utilizing the Stormwater Utility Fee Appeal Form.

Appendix A: Appeal & Application Forms

Berkeley County Stormwater Management Program

212 Oakley Plantation Drive
Moncks Corner, SC 29461-5036
843.719.4195 | webswmp@berkeleycountysc.gov

Stormwater Utility Fee Appeal Form
Per Stormwater Management Utility Ordinance No. 18-05-21

Date Filed: _____

The Applicant Hereby Appeals [select one]:
- ◯ For a stormwater utility fee charged with respect to the property
- ◯ For a civil penalty for noncompliance with the Ordinance

Name of Contact Person: _____

Applicant Information

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone (Day): _____ Mobile: _____ Fax: _____

Email Address: _____

Property Address being Appealed*

Street Address: _____

City: _____ State: _____ Zip Code: _____

Tax Map No. (TMS#): _____

Stormwater Utility Fee amount on Tax Notice: _____

Explanation of the Basis of Appeal:

*Separate Appeal must be submitted for each property.
**If appeal is based upon an impervious area discrepancy. Proof of existing impervious surfaces (compacted gravel included) via an as-built or survey of registered professional land surveyor may be requested with this document.
***Please provide a copy of Tax Notice with this form.

Section(s) of the Ordinance being Appealed: _____

_____
I (we) certify that the information on this form is correct.

Applicant	**Applicant**
Signature: _____	Signature: _____
Name: _____	Name: _____
Date: _____	Date: _____

Instructions:
This form must be completed for review by the County Engineer. Entries must be printed or typed. All owners of record must sign this form.

THE FORM MUST BE SUBMITTED WITHIN THIRTY DAYS OF THE MAILING OR THE DELIVERY OF THE NOTIFICATION OF THE FEE OR PENALTY.

The County Engineer will provide his decision within thirty days after the receipt of the appeal. Any person not satisfied with the decision of the County Engineer may appeal to Berkeley County Council. Decisions made by County Council are final with respect to utility fee(s) and civil penalties.

Send the completed application and supporting documentation to:
STORMWATER MANAGEMENT PROGRAM
Berkeley County Engineering Department
212 Oakley Plantation Drive
Moncks Corner, SC 29461

For inquiries, please call 843-719-4195 or email webswmp@berkeleycountysc.gov

Berkeley County Stormwater Management Program

212 Oakley Plantation Drive
Moncks Corner, SC 29461-5036
843.719.4195 | webswmp@berkeleycountysc.gov

Stormwater Utility Fee Reallocation Application

(Please fill out one application per property)

I. General Information

Date:_____

Property Information:

Real Property Billing Account # (optional): Berkeley County_____

TMS#: _____

Property Address:_____

Owner:

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

Authorized Representative (if not Owner):

All correspondence pertaining to this application should be communicated to:

Name: _____

Title: _____

Mailing Address: _____

Phone: _____ Email: _____

Send the completed application and supporting documentation to:
STORMWATER MANAGEMENT PROGRAM
Berkeley County Engineering Department
212 Oakley Plantation Drive
Moncks Corner, SC 29461

For inquiries, please call 843-719-4195 or email webswmp@berkeleycountysc.gov

II. Request Stormwater Utility Fee Charge Re-allocation

Indicate the parcel number and the percentage of the total Stormwater Utility Fee Charge or IA square footage you wish to appropriate to an existing account. Round the total IA square footage nearest tenth. The total must equal 100.0% of the IA on the aggrieved parcel. If there are more than five (5) accounts to re-allocate your IA square footage towards, please indicate the charge/square footage distribution for the additional parcel(s) on an additional sheet and ensure each parcel owner is denoted as signs for the re-allocation.

Parcel Number	% Charge/Square Footage
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

III. Re-allocated Owner Certification:

I certify that I am the property owner of the parcel for which the revised allocation is being assessed to.

Note: If an authorized representative is acting on behalf of the property owner, a certified letter from the owner indicating that the representative has the authority to act on the owner's behalf must be attached to this form.

_____ _____
Signature of Owner / Authorized Representative Date

_____
Print Name

IV. Allocating Owner Certification:

I certify that I am the property owner of the parcel for which the revised allocation is being sought for.

Note: If an authorized representative is acting on behalf of the property owner, a certified letter from the owner indicating that the representative has the authority to act on the owner's behalf must be attached to this form.

_____ _____
Signature of Owner / Authorized Representative Date

_____
Print Name

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

I_____ , a notary public in and for said county and state, certify that _____ personally appeared before me this day, stated that he/she is_____ of _____ and is _____ of _____, and acknowledged the execution of the foregoing instrument on behalf of said authority.

Witness my hand and official seal, this is the_____ day of, 20_____

My Commission Expires:_____ _____
Notary Public (Signature)

(Seal)

_____
Notary Public (Printed Name)

Stormwater Utility Fee Credit
Application Form

Stormwater Management Program

Instructions

Fill out this form completely. One application must be submitted for each separate property location. Multiple Stormwater Control Measure (SCMs) may be included in the application for a single property location. Please insure all SCMs are in a proper state of repair and maintained. Attach all appropriate documentation to support this request. Documentation shall include the following:

- Site plan with SCMs and contributing drainage area.
- Description of SCMs.
- Documentation that SCMs meet one or more criteria for the fee credit (technical report).
- Seal by professional engineer licensed in South Carolina (only apply to Peak Discharge Rate Reduction, Runoff Volume Reduction and Quality Treatment Credit).
- Fill out and attach a Right-of-Entry Form.

Mail the completed application package to:

Stormwater Management Program
212 Oakley Plantation Drive
Moncks Corner, SC 29461

Questions and comments can be directed to the Stormwater Program Coordinator, at (843) 719-4195 or by webswmp@berkeleycountysc.gov.

Property Owner Information

Name:_____ Email:_____

Address: _____

City:_____ State:_____Zip Code: _____

Telephone: (_____)_____

Owner's Representative

Name:_____ Email:_____

Address: _____

City:_____ State:_____Zip Code: _____

Telephone: (_____)_____

Property Information

Business Name (if applicable):_____
Address:_____
Parcel Number:_____
Property Size (ac):_____
Utility Account Number:_____

Credit Applied

Place a check next to SCM credit being applied for and specify the percent of fee reduction applied for with this application:

	Type of Credit	% Reduction Applied to Property
	Cistern	
	Rain Garden	
	Pervious Pavement	
	Vegetated Filter Strip	
	Peak Discharge Rate Reduction	
	Runoff Volume Reduction	
	Quality Treatment	
	Low Impact Parcel	
	Education	
	Industrial NPDES Permit	
	Watershed Stewardship	

Narrative

Please provide a narrative describing your proposed and/or existing measures for which the credit is being applied for in as much detail as possible. Berkeley County reserves the right to require additional information as it decides will be necessary to support your proposed fee credit:

Supporting Calculations

Attach all your supporting calculations and any other information required by the Credit Manual. Berkeley County reserves the right to require additional information concerning necessary calculations for determination of appropriate proposed fee credit.

Operation & Maintenance Requirements

( ) A Maintenance Covenant has been previously recorded for this property, has been sufficient for continued maintenance, and is up to date as of the time of this application.
O&M Agreement is recorded as follows
Book: Pages: - County: Berkeley

( ) A Maintenance Covenant has not been recorded for this property. Attach a completed and signed Maintenance Covenant for review and execution by Berkeley County. This application will be held until these items are approved and recorded.
Book: Pages: - County: Berkeley

To be signed by Financially Responsible Party

Name:_____Title:_____
Mailing Address:_____

By signing below, I understand that receipt of a stormwater utility fee credit is contingent upon my actions as follows:

1. I (or my representative) must operate and maintain the SCM as described in the recorded Operation & Maintenance Covenant.
2. I must submit an annual SCM inspection report to the Berkeley County Stormwater Department by May 1st of each year.
3. I (or my representative) must correct any deficiencies identified in the annual SCM inspection report.
4. I must submit an annual credit renewal application along with the SCM inspection report.
5. I have read the "Stormwater Utility Fee Credit & Appeals Manual". I understand that I must abide by all terms and conditions described in the manual to maintain credit eligibility.

Signature:_____Date:_____

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

I_____, a notary public in and for said county and state, certify that personally appeared before me this day, stated that he/she is_____of_____ _____, and acknowledged the execution of the foregoing instrument on behalf of said authority.

Witness my hand and official seal, this is the_____day of_____, 20____

My Commission Expires_____ _____
Notary Public (Signature)

(Seal)

_____
Notary Public (Printed Name)

For Berkeley County Use, Only: (Structural SCM)

Design approval granted on_____

Stormwater Coordinator_____

Post Construction

As-Built Drawings:
( ) Provide as-built drawings of structural SCMs per Berkeley County Stormwater Management Program specifications

Post-Construction Certification:
For newly constructed structural SCMs, historical SCMs without recordation or retrofits for which credit is sought, a competent registered professional engineer or landscape architect must sign and seal the following statement after construction or installation of retrofits:
I hereby certify that the stormwater management system of _____has been constructed substantially per the design described in the Stormwater Utility Credit Application approved by Berkeley County on_____. I further certify that any discrepancies between the as-built condition and the approved design are incidental and have no effect on the system meeting the approved design intent.

Name (Print):_____
Signed: _____
Date:_____ (Seal)

For Berkeley County Use, Only:

Final approval granted on_____

Stormwater Coordinator_____

Credit Term (Expires):_____
(Industrial Permit Owners)

Appendix B: Renewal Form

Stormwater Utility Fee Credit
Renewal Form

Stormwater Management Program

Instructions

For properties with ongoing stormwater fee credits:
Complete this form and submit to the Berkeley County SWMP with your Annual Inspection Report, maintenance records and photos of the structural SCMs. Once approved by the Stormwater Coordinator, no further action is necessary for the continuation of stormwater fee credit until the next Annual Inspection Report. In the case of facilities utilizing non-structural SCM's, complete this form and attach supporting information showing that the non-structural SCM's remain in place (i.e. copy of annual report for Public Education activities, etc.). If additional maintenance is required, or the submitted supporting document is insufficient, a copy of this form will be marked as such and returned to the property owner/applicant. It is the property owner's responsibility to take necessary corrective action prior to May 1st to ensure that eligibility for utility fee credit does not lapse.

All submittals shall be sent to:

Stormwater Management Program
212 Oakley Plantation Drive
Moncks Corner, SC 29461

Questions and comments can be directed to the Stormwater Program Coordinator, at (843) 719-4195 or by webswmp@berkeleycountysc.gov

Property Owner Information

Name:_____ Email:_____

Address:_____

City:_____ State:_____ Zip Code:_____

Telephone:_(____)_____

Owner's Representative (Engineer/Landscape Architect from initial application)

Name:_____ Email:_____

Address:_____

City:_____ State:_____ Zip Code:_____

Telephone:____(____)_____

Registration Number (PE or RLA):_____

Property Information

Business Name (if applicable):_____
Address:_____
Parcel Number:_____ Property Size (ac):_____
Impervious Surface (ac):_____

To be Signed by Financially Responsible Party

Name: _____ Title: _____
Mailing Address:_____

By signing below, I understand that receipt of a stormwater utility fee credit is contingent upon my actions as follows:

1. I (or my representative) must operate and maintain the SCM as described in the recorded Operation & Maintenance Covenant.
2. I must submit an annual SCM inspection report to the Stormwater Department.
3. I (or my representative) must correct any deficiencies identified in the annual SCM inspection report.
4. I must submit this annual renewal application along with the SCM inspection report.
5. I have read the "Stormwater Utility Fee Appeals & Credit Manual". I understand that I must abide by all items and conditions described in the manual to maintain credit eligibility.

Signature:_____ Date:_____

For Berkeley County Use Only

( ) The Annual Inspection Report for the referenced SCM is acceptable.
( ) The Annual Inspection Report is not acceptable. Contact the Berkeley County Stormwater Management Program at (843) 719-4195 as soon as possible to discuss necessary maintenance requirements or remedial actions.
This annual renewal is considered incomplete until all issues are resolved.
( ) The necessary corrections were made on_____

Approved:_____
Stormwater Coordinator

Appendix C: Right-of-Entry Agreement

RIGHT-OF-ENTRY AGREEMENT
FOR INSPECTION OF PRIVATE STORM DRAINAGE SYSTEM

Parcel Number(s):_____

Site Address: _____

Grantor(s) Names(s):_____, hereinafter termed "Owner"

Grantee Name: Berkeley County, South Carolina, hereinafter termed "County"

Owner hereby grants to County, its employees, agents, consulting engineers, contractors and other representatives the right to enter upon the above described real estate on and after,_____, for inspecting on-site stormwater controls which shall be completed strictly in accordance with the standard practices of engineering. The County shall inspect the stormwater controls as soon as practicable after completion of the work stormwater controls such that all affected property can be restored by the Owner to its intended condition as early as reasonably possible.

Owner hereby covenants with the County that he/she/they are the true and lawful owner of the above described real estate and has/have lawfully seized of the same in fee simple and has/have the right and full power to grant this right of entry. This right of entry shall commence for initial inspection and continue to be effective in a time frame that is commensurate with the time for which credit is being sought for the above described parcel.

Owner will not charge County any compensation during the period of time County occupies the said real estate for purposes aforesaid under the provisions of this right of entry.
DATED this_____day of_____, 20_____

Printed Owner's Name (s)_____

Signature(s)_____

Mailing Address:_____

Phone Number:_____ Email Address: _____

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGEMENT
Berkeley County)

The foregoing instrument was acknowledged before me this_____day of_____, 20_____
by_____, (Owner's name).

Notary Public for South Carolina
My Commission Expires:
_____

_____
Notary Public (Signature)

_____
Printed Name

Appendix D: Maintenance Covenant

State of South Carolina	**)**	**Permanent Stormwater Facility**
	)	**Maintenance and Responsibility Agreement**
Berkeley County	**)**	**Tax Map No.**_____

This Agreement is entered into this_____day of_____, 20_____, by and between_____(hereinafter referred to as Landowner) and Berkeley County, and political subdivision of the State of South Carolina (hereinafter referred to as County).

It is agreed as follows:

Landowner Responsible for Stormwater Facility:

The South Carolina Stormwater Management and Sediment Reduction Act of 1991 (§48-14-10, et. seq.) and Regulation 72-308 provide that a Landowner shall adequately establish and maintain stormwater Best Management Practices (BMP) facilities upon making certain improvements to the Landowner's property. This law applies to any individual, partnership, corporation or other entity, constructing a stormwater facility. It also applies to all subsequent owners of the property. The obligation applies to the maintenance of all pipes, equipment, and channels built to convey stormwater to a management facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater on the property. (All fixtures and graded or excavated improvements for controlling stormwater are herein the "Facility"). Adequate maintenance is herein defined as keeping the Facility in good working condition so that the Facility is performing all its design functions in accordance with the purposes for which it is designed.

Maintenance Required:

The Landowner, its successors and assigns, will perform the maintenance, repair, and replacement necessary to keep the Facility in good working order. The maintenance schedule for the Facility (including sediment removal) that is outlined on page 4 of this agreement must be followed.

Inspection Required:

The Landowner, its successors and assigns, shall regularly and periodically inspect the Facility in its entirety. Records shall be kept identifying the dates and maintenance performed and shall be made available to the County at the County's request. The purpose of the inspection is to assure safe and proper functioning of the Facility. The inspection shall cover all parts of the Facility including, but not limited to, berms, outlet strictures, pond areas, and access roads. The Landowner's failure to inspect shall be treated as a breach of this Agreement just as much as a failure to repair if repair is required after inspection.

Access Permitted:

The Landowner grants permission to the County, its authorized employees and agents, to enter upon

the Property and to inspect the Facility whenever the County deems necessary. The purpose of the inspection is to follow-up on reported or observed deficiencies, to respond to citizen complaints, or to inspect if a significant time has passed after the last inspection. The County shall provide the Landowner a copy of the inspection findings and a directive to commence with the repairs if necessary. In the case of multiple Landowners of a single property, notice to one shall suffice as notice to all.

No Duty on the County:

This Covenant creates no affirmative duty on the County to inspect, and it imposes no liability of any kind whatsoever on the County for omissions in inspecting. The Landowner agrees to hold the County harmless from any liability in the event the Facility fails to operate properly due to the Landowner's failure to abide by the terms of this Agreement.

Landowners Covenant:

The Landowner accepts responsibility for ownership and proper maintenance of the stormwater system, the Facility (ponds, swales, etc.) on the_____site located at_____, Berkeley County, South Carolina, per the approved maintenance plan. Landowner will complete any necessary repairs and/or preventive maintenance procedures in a timely manner to ensure proper functioning of stormwater management device(s).

Landowner understands that the maintenance plan may be amended or revised at any time by the County to address changed conditions or to address conditions not being effectively met by the Facility. Following the County's sending notice, the Landowner will abide by any prescribed changes.

This covenant to maintain the Facility shall run with the land. Landowner(s) will continue to own and maintain the Facility until the County is notified in writing of a transfer in ownership and maintenance responsibility. The notification will include a date for the transfer of responsibility which will become effective upon the County's receipt of a letter of acceptance from the new owner. Notwithstanding the provision for a letter of acceptance, any new Landowner shall be responsible for all duties and obligations created by this Permanent Stormwater Facility and Maintenance Responsibility Agreement upon it being executed and filed in the Register of Deeds Office for Berkeley County.

Landowner understands that failure to adhere to the signed Maintenance Covenant may result in fines of up to $1,000.00 per day, per violation and /or the institution of a court action, or such other and additional penalties, fines, or assessments as shall be enacted and provided for by the general law of the state or by local regulations lawfully enacted.

(Signatures contained on the next page)

IN WITNESS our hand and seal this_____day of_____, 20_____

WITNESS:

_____
(Printed Name)

_____
(Signature)

LANDOWNER:

_____
(Printed Name)

_____
(Signature)

Mailing Address:

_____

Phone Number:

_____

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGEMENT
BERKELEY COUNTY)

The foregoing instrument was acknowledged before me this_____day of_____,20_____by _____for _____

_____
Notary Public for South Carolina
My Commission Expires:

_____
Notary Public (Signature)

_____
Printed Name

WITNESS:

_____
(Printed Name)

_____
(Signature)

BERKELEY COUNTY:

_____
(Printed Name)

_____
Berkeley County Engineer

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGEMENT
BERKELEY COUNTY)

The foregoing instrument was acknowledged before me this_____day of_____,20_____by Berkeley County Engineer for Berkeley County.

_____
Notary Public for South Carolina
My Commission Expires:

_____
Notary Public (Signature)

_____
Printed Name

[PROJECT NAME]

SEDIMENT AND EROSION CONTROL MAINTENANCE PLAN

TOWN/CITY OF_____, BERKELEY COUNTY, SC

RESPONSIBLE PARTY: [COMPANY OR INDIVIDUAL NAME]

REQUIRED MAINTENANCE	FREQUENCY

Appendix E: Clemson Extension Service Rain Garden Manual

Appendix F: SCDHEC Stormwater Management BMP Manual

Appendix G: Berkeley County Design Standards Manual

Appendix H: Clemson Extension Service Education Programs