

RESOLUTION NO. G.A. 2019-01

A RESOLUTION OF THE CRANBERRY TOWNSHIP GENERAL
AUTHORITY ESTABLISHING RULES AND REGULATIONS FOR THE
STORMWATER MANAGEMENT PROGRAM

WHEREAS, the management and implementation of a stormwater management program that is compliant with state and federal regulations and is sustainable in the long term maintenance of the system has generated new and rising costs; and

WHEREAS, to address the administration and funding needs for a Stormwater Management Program, the Cranberry Township General Authority, ("Authority") and Township of Cranberry, ("Township") desire to establish Rules and Regulations; and,

WHEREAS, The Township has presented to the Authority a proposed stormwater program at its meeting on June 13, 2019; and,

WHEREAS, The Township prepared rules and regulations based on the comments received from the Authority, Cranberry Township Supervisors, and from public outreach events with Township residents and property owners; and

WHEREAS, the rules and regulations herein establish a base rate program where all developed properties within the Township are assessed a base rate and non-residential or multi-family residential properties are assessed a rate proportionate to the base rate; and,

WHEREAS, policy and procedures need to be established for the development of the program, exemptions, appeals, capital and maintenance budget, and accounting; and,

NOW, THEREFORE, BE IT RESOLVED, that the Authority adopts the Rules and Regulations for the establishment of the Stormwater Management Program.



**STORMWATER MANAGEMENT PROGRAM
RULES AND REGULATIONS**

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1 INTRODUCTION

The purposes of the Stormwater Management Program Rules & Regulations is, among other purposes, to safeguard the public health, safety and welfare; to improve stream health and environmental conditions; to protect Cranberry Township's water bodies and groundwater from further negative impacts of stormwater runoff; to reduce contamination of stormwater runoff; to protect aquatic and wildlife habitat; to comply with Federal and State regulatory mandates of the Municipal Separate Storm Sewer System (MS4) regulations, and to reduce flooding. The following conditions have been identified as contributors to the challenges of stormwater management:

- a. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
- b. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Township's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

Regulation of discharges to the municipal separate storm sewer system ("MS4") is necessary for the protection of the Township's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. In particular, land disturbances can cause harmful impacts due to:

- a. Soil erosion and sedimentation.
- b. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.
- c. Contamination of drinking water supplies.

- d. Erosion of stream channels.
- e. Alteration or destruction of aquatic and wildlife habitat.
- f. Flooding.
- g. Overloading or clogging of municipal catch basins and municipal storm drain systems.

2 RULES AND REGULATIONS

A. ESTABLISHMENT AND SUPERVISION

There is hereby established within the Cranberry Township General Authority (“CTGA”) the Stormwater Management Rules & Regulations.

B. AUTHORITY

The Stormwater Management Rules & Regulations is adopted in accordance with the authority granted by the Cranberry Township General Authority

C. DEFINITIONS

For the purposes of these rules & regulations, the following shall mean:

APPLICANT’S TECHNICAL REPRESENTATIVE – a Registered Professional Engineer (P.E.) hired by the applicant to certify that design and construction are completed in accordance with the applicable local, state, and federal stormwater requirements.

BASE RATE ABUTTING PROPERTIES-Two or more adjacent properties that are owned by the same owner and are both classified as base rate properties.

BASE RATE CUSTOMER-A single family residential customer that owns the tax parcel in which they reside and is designated as an SW1 customer in the program.

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.

EXEMPTED PARCEL-A parcel that meets a program exemption requirement and is designated with a code of SW0 in the program.

IMPERVIOUS COVER/SURFACE - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, rooftops, and compacted gravel.

LAND DISTURBANCE – Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater. Including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drain system owned or operated by the Township.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) NEW DEVELOPMENT SITES – The area extent of any construction activity, land alteration, or creation of impervious cover resulting in a required Land Development Application with Cranberry Township or a Building Permit

OWNER – A person with a legal or equitable interest in property.

POINT SOURCE – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION – All activity in preparation for construction.

RECHARGE – The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

RATE TABLE CUSTOMER-A non-residential customer, or a residential parcel in which multiple residential units are placed. This customer is designated as SW2 in the program.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE – Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SOIL – Any earth, sand, rock, gravel, or similar material.

STORMWATER – Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN – A plan required as part of the application for a Stormwater Management Permit.

STORMWATER UTILITY – A special assessment district set up to generate funding specifically for stormwater management. Users within the district pay a stormwater rate and the revenue generated directly supports operation, maintenance, and upgrade or expansion of existing storm drain systems; development of drainage studies, plans, flood control measures, and water-quality programs; administrative costs; and construction of capital improvement projects, and purchase of all equipment necessary for the installation, operation and maintenance of the system.

STREAM – A body of running water, including brooks, creeks, and other water courses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert, is naturally obscured, or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year), or perennial.

WATERCOURSE – A natural or man-made channel through which water or a stream of water flows, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH – All waters within the jurisdiction of the Commonwealth of Pennsylvania, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WETLANDS –including wet meadows, marshes, swamps, and Bogs.

D. FUNDING

The Cranberry Township General Authority shall administer the stormwater management program of Cranberry Township. It shall be funded by revenue through the Stormwater Utility Rate structure.

E. UTILITY RATE

The Cranberry Township General Authority hereby establishes a charge for the use of the stormwater Management services of Cranberry Township to be known as the “Base Utility Rate.” The Base Utility Rate is imposed on each parcel of residential property and each parcel of nonresidential property, unless classified as an exemption.

F. RATE MODEL

The Cranberry Township General Authority shall, from time to time, approve a Stormwater Management Rate Model for establishing the utility rate to support the requirements of the Stormwater Management Program. Cranberry Township shall submit the annual budget to the Board of the Cranberry Township General Authority (“Board”), who may approve, modify and approve, or disapprove the budget and set the rate based on the budget. The Rate Model shall be available for inspection by the public at Cranberry Township Municipal Center.

Properties are classified into one of the following property designations:

- a. SWO: Exempt– Properties that have been exempted in accordance with Section J. Exemptions of these Rules and Regulations
- b. SW1: - Base Utility Rate – This classification refers to Single Family Properties and is a base rate.
- c. SW2: Rate Table – This classification refers to Non Single family properties and is billed using a rate calculation based on impervious surface converted to a number of Equivalent Residential Units (ERU’s).

Base Rate Abutment Properties

Any abutting properties are charged as one Base Utility Rate Customer that are:

- a. Owned by the same owner, **and**
- b. Both classified as SW1, Standard base utility rate.

Equivalent Residential Units (ERU's)

The ERU is the average impervious area of a statistically significant sample of residential properties. SW2 properties will be assigned a number of ERU's by dividing the property's total impervious square footage by the program ERU average.

Rate Table (SW2) Calculation

SW2 classified properties are billed by multiplying the Program Base Rate times the number of ERU's for the property

G. CHANGE MANAGEMENT

The Cranberry Township General Authority is responsible for the management of the Stormwater Management Program. The program requires modifications periodically to keep the program current. The following changes will be necessary to update the program:

- a. Change in Individual Property Impervious Surface Square Footage
- b. Addition of parcels and impervious surface square footage through the subdivision and land development process
- c. Budget
- d. Program Base Utility Rate

The Cranberry Township General Authority may assign these responsibilities to a third party for its management.

H. SCOPE AND RESPONSIBILITY

The Cranberry Township General Authority shall be responsible for all costs to operate, maintain, improve, and access those stormwater management systems and facilities owned by Cranberry Township, which are located:

- a. Within the public road rights-of-way;
- b. On private property, but within easements granted to, and accepted by, the Township, or which are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use, or such other lawful means to allow

for operation, maintenance, improvement, and access to the stormwater management systems and facilities located thereon; and

- c. On public land which is owned by the Township and/or land of another governmental entity upon which the Township has agreements providing for the operation, maintenance, improvement, and access to the stormwater management systems and facilities located thereon.

Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Township, and for which the Township lacks a lawful right-of-entry, shall be and remain the legal responsibility of the property owner.

I. PURPOSE OF FUND

The funds deposited into this account shall be used to fund the:

- a. Operation and maintenance of stormwater systems including, but not limited to, the acquisition by gift, purchase, or condemnation of real and personal property, and interest therein, necessary to construct, operate, and maintain stormwater management systems and facilities.
- b. Administrative and implementation costs of stormwater management including, but not limited to, the costs of labor attributable to stormwater management of reasonable operating and capital reserves to meet anticipated, unanticipated, or emergency stormwater management requirements;
- c. Engineering and design, debt service and associated financing expenses, construction costs for new facilities and enlargement or improvement of existing facilities;
- d. Illicit discharge detection and elimination program;
- e. Water quality monitoring and water quality programs;
- f. Public education and outreach program;
- g. Retrofitting developed areas for pollution control;
- h. Inspection and enforcement activities;
- i. Billing and related administrative costs; and

- j. Other activities, which are reasonably necessary, including costs related to regulatory compliance.

J. EXEMPTIONS

The Cranberry Township General Authority finds that all real property in the Township contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no public property, including public property funded by taxpayers of Cranberry Township, or private property located in Cranberry Township shall be exempt from the Stormwater Utility Rate charges.

Notwithstanding the foregoing, the Authority establishes exemptions to the Stormwater Utility Rates for:

- a. public streets
- b. highways
- c. rights-of-way
- d. Common Space: parcels that are Common Space Elements in planned residential developments that are associated with base rate customers
- e. De Minimis: Any parcel with less than 500 S.F. of total impervious area
- f. Large Parcel exemption: Properties that are 20 Acres or more that consist of less than 5% impervious area

All other Federal, State, County, and Township properties are subject to the user rate charges on the same basis as private properties.

K. UTILITY RATE BILLING

Failure of the Authority to send a bill for Stormwater Utility shall not relieve the property owner of record from the obligation to pay for such utility. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Authority may back bill for the rates as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.

Stormwater Utility bills shall be managed by the Township by agreement with the Authority for collection. The Township shall keep records of all paid and unpaid stormwater utility bills and maintain financial records for the utility. If a bill for Stormwater Utility bill is not paid in full by the thirtieth (30th) day from the date the bill is mailed, interest at the statutory rate shall accrue on any unpaid balance. Interest shall accrue from the date of the mailing of the bill. At any time after interest begins to accrue on an unpaid account, the Township may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. If the amount due remains unpaid fourteen (14) days after the mailing of said demand, the Township shall file a lien on the property, which shall have priority over all other liens except municipal liens and mortgages of record prior to the recording of a notice of lien.

In the event that a property owner believes the Stormwater Utility Rate is improperly calculated or is otherwise incorrect, the property owner may apply to the Authority for an account credit through the appeal process. The application for appeal shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. The Authority shall have sixty (60) days to consider the request for bill credit and render a written decision, which may deny the bill credit, grant the bill credit in full or grant the bill credit in part.

L. APPEALS

Customers who qualify and believe there is a mistake in their rate classification can request a rate change through the appeal process..

Qualification for an Appeal

Property owners may appeal their property's stormwater rate based on the following conditions:

- a. When more than one Equivalent Residential Units, ERU, is being changed and it is believed that there was an incorrect calculation of square footage of impervious area.
- b. If it is believed that a stormwater rate has been assigned for a parcel that is not owned by the billed customer.
- c. If it is believed the property meets any of the exemption criteria.

Outcomes of an Appeal

Customers should be aware that there are several outcomes that could occur when appealing the measurement of impervious area on their parcel. Possible outcomes include:

- a. No change in measurement; no change in the number of billing units.
- b. Reduction in the amount of impervious area; no change in billing units because the impervious area adjustment was too small to change the total number of billing units.
- c. Reduction in the amount of impervious area; reduction in billing units.
- d. Increase in the amount of impervious area; no change in billing units because the adjustment was too small to change the total number of billing units.
- e. Increase in the amount of impervious area; increase in number of billing units.

Appeal Process

An appeal process begins with the property owner providing:

- a. A completed and signed Application Form;
- b. Information required that supports the appeal, including but not limited to:
 - i. A plot plan, Survey, as-built drawings, or similar information detailing actual impervious surfaces currently on-site. The information shall include dimensions of all impervious surface areas.
 - ii. The owner's estimate of the total amount of impervious area based on supporting documentation submitted with the application.

The Cranberry Township General Authority may assign the management of the Appeal Process to a third party.

M. FINAL REPORT

The Authority will make an annual report providing information relating to the work and projects financed by the Stormwater Utility Rate in the previous year, including, to the extent practicable, an account of expenditures from the Stormwater Enterprise Fund and projected future expenditures.

N. STORMWATER MANAGEMENT STANDARDS

Stormwater management standards in Cranberry Township shall be administered by Cranberry Township. All planning, design, construction, maintenance, and operation of stormwater infrastructure shall be in accordance with Cranberry Township Code Chapter 17, Part 3 Stormwater Management Regulations

3 FINANCE

A. BUDGET PROCESS

The budget process for the Cranberry Township General Authority shall begin in mid-September of each year. Annual budgets will be prepared on a budgetary basis of accounting whereby revenues are budgeted in the year expected and expenditures are budgeted in the year purchase orders are expected to be issued.

A tentative budget will be presented to the Cranberry Township General Authority Board in early November.

The budget shall be formally adopted by resolution no later than December 31 of each year.

B. ANNUAL FINANCIAL REPORT

The Authority shall prepare annual financial reports in accordance with Section 5612 of the Pennsylvania Municipal Authorities Act.

C. BASIS OF ACCOUNTING

The Authority has adopted the accrual basis of accounting for operations that are financed and operated in a manner similar to private business enterprises. Revenue is recognized when earned and expenses are recognized when occurred.

D. FUND ACCOUNTING

The Authority will use funds to report its financial position and results of operations. Fund accounting is designed to demonstrate legal compliance and to aid management by segregating transactions related to certain functions and activities.

E. INVESTMENTS

The Authority shall invest authority funds in accordance with Section 5611 of the Pennsylvania Municipality Authorities Act.

F. BILLING

Cranberry Township will bill the storm water rate established by the Cranberry Township General Authority monthly in conjunction with their sewer, water, and trash bill. Payments may be received by check or cash over the counter, on-line credit/debit cards and e-checks, by mail via the lock box, or direct debit. Due dates, past due charges and other penalties will be established by the Authority.

G. PURCHASING

The Cranberry Township General Authority shall follow the purchasing procedures found in Section 5614 of the Pennsylvania Municipality Authorities Act.

H. DISBURSEMENTS

Invoices will be paid twice per month. A list of paid invoices will be presented to the Authority Board quarterly for their ratification. Checks will be printed with one electronic signature, and one live signature will be required by a Board member.

I. RATES

Storm water rates will be established by the Authority Board in conjunction with the budget process.

4 CAPITAL PROJECTS

The Cranberry Township General Authority capital budget will be comprised of the following types of projects:

A. CAPITAL PROJECT CONSTRUCTION

Capital Projects include projects that enhance the current stormwater system. These projects can add capacity, add stormwater detention or retention facilities, etc.

B. CAPITAL PROJECT PLANNING/DESIGN

Planning and design of capital projects will be budgeted. These projects will typically be in a separate year from the construction.

C. SYSTEM/ASSET EVALUATION

Each year, the capital budget will include funding to evaluate the current status of the stormwater system. This evaluation will include inspection of pipes, catch basins, storm manholes and other components of the system for the purposes of evaluating and prioritizing projects needed to repair the system.

D. MAINTENANCE CAPITAL PROJECT

Maintenance capital projects will be assigned each year based on the previous year's System/Asset Evaluation process.

E. STORMWATER PROGRAM UPDATES

The stormwater program will require consulting services from time to time to maintain the stormwater management program. This may include the update of the aerial photography used to determine the impervious surfaces, update of stormwater standards, or other miscellaneous program updates.

5 OPERATION MAINTENANCE

The maintenance of the stormwater system by the General Authority is limited to the stormwater assets owned by Cranberry Township. These assets account for miles of plastic, tin, concrete and other material storm water pipes as well as roadway gutter lines and curbs, catch basins, inlets, outfalls, ditches and detention facilities. Maintenance and repair of these is performed in anticipation of the Township's annual resurfacing program, but also may be performed reactively due to premature failure of the structure or facility.

F. PROGRAMS

Maintenance and operation of the public owned stormwater system is done to meet the legal requirements and obligations as set forth by the Commonwealth that requires the Township to protect, maintain, reclaim and restore the existing and designated uses of the waters of the Commonwealth. The following maintenance programs describes ways in which to accomplish these responsibilities:

- a. Manage accelerated runoff through the control of erosion and sedimentation caused by construction and maintenance activities.
- b. Promote and maintain natural drainage systems wherever possible.
- c. Maintain groundwater recharge systems to protect the various water sources of the system.
- d. Maintain existing flows and quality of streams and watercourses.
- e. Prevent scour and erosion of stream banks and streambeds to preserve and restore flood carrying capacity of waterways.
- f. Implement standards to meet Federal NPDES permits.
- g. Provide the operation and maintenance of all temporary and permanent stormwater structures using best management practices.

G. ACTIVITIES

The following provides examples to illustrate activities of maintenance performed on the public owned physical storm system:

- a. Pipe: staff and contracted video inspection, repair, maintenance, cleaning, replacement
- b. Basin: inspection, cleaning, repair, maintenance, replacement, construction
- c. Ditch/ swale: inspection, debris removal, installation, maintenance
- d. Detention facilities: inspection, maintenance, construction
- e. Data Collection: gather field data for updating of GIS mapping system
- f. Training: staff training on system upkeep techniques
- g. One Call locating of system assets

H. MS4

Maintenance as outlined in the Township's Stormwater Operations and Maintenance Manual, which also serves as the Township's guide to meet the PA DEP mandated Ms4 Program requirements. Examples of work performed to comply with the requirements of the MS4 program on the public owned physical storm system includes but is not limited to:

- a. Street Sweeping
- b. Streambank stabilization
- c. Stream debris removal
- d. Training on mandate requirements

6 COMMUNICATIONS

The Stormwater Management Program will help ensure that Cranberry Township maintains and sustains clean water and waterways; flood resilience; healthy and safe neighborhoods, and economic growth. It is imperative to communicate with Cranberry Township residents the funding of stormwater management along with educating them on the importance of updating stormwater infrastructure.

The message to residents should include information on the building, maintaining, and expanding stormwater infrastructure that requires a financial investment that will allow Cranberry Township to avoid the costly impacts of property damage, environmental pollution, and flooding. Inadequate infrastructure and extreme precipitation intensify the impact of poorly managed stormwater systems, thus deteriorating the local economy and way of life.

The principal communication goal is to recognize the importance of engaging with the public early and often and communicating clearly.

The Communications Plan will use the most advanced communication tools to successfully inform residents of the important information on stormwater and the rates associated with it. The Plan will be anchored by a website-landing page. The webpage will be utilized to branch out different aspects of the stormwater program. The host of communication resources that should be used include case studies that support the program:


- a. Guidance brochure
- b. Informational video
- c. FAQ's
- d. PowerPoint presentation
- e. Illustrative photos
- f. Informational sessions (i.e. resident/customer open houses and forums)
- g. Handout on understanding new bill
- h. Other resources that are deemed appropriate

APPROVED by the Cranberry Township General Authority Board at the public meeting on October 15, 2019.

ATTEST:



Jerry A. Andree, Secretary

CRANBERRY TOWNSHIP GENERAL AUTHORITY


Richard M. Hadley, Chairman