

City of Oshkosh

Non-Residential Stormwater Utility Credit Policy

I. Purpose and Scope

The purpose of this Stormwater Utility Credit Policy is to encourage actions by property owners within the city that 1) reduce stormwater flows and volumes and improve stormwater quality and 2) reduce the utility's costs for providing proper management of stormwater runoff. This policy is applicable only to non-residential properties in the City of Oshkosh. Residential properties in the city have a separate Stormwater Utility Credit Policy. For purposes of this policy, a residential parcel has three or fewer dwelling units. All other properties are considered non-residential. Credits to user fees will only be allowed when it can be demonstrated by the customer that a condition or activity on the property results in a direct reduction in costs for Stormwater Utility services. Those conditions and activities are specified in this policy.

II. Credit Structure

For the purpose of generating applicable credit rates, the municipal stormwater management services funded through the user fee are divided into two major categories. The credit eligible category is further divided into two sub-categories.

Category A (utility-wide services)	25%
Category B (credit eligible services)	
B1: activities that meet flow management criteria	50%
B2: activities that meet pollution reduction criteria	25%

Fees to support Category A programs are applied throughout the utility customer base and credits are not allowed for these components. These costs are required to run the City of Oshkosh's stormwater management program and these programs benefit all property owners within the City of Oshkosh.

Only the costs associated with Category B are eligible for a credit. These are costs associated with the utility's efforts to maintain the capacity of the stormwater conveyance system and implement and maintain pollution control practices. The maximum available credit to any individual property is 75%.

The tasks included under each category, and the percent credit for each category under this policy may be revised based upon a re-analysis of the stormwater program budget and the percent distribution of costs by category. Modifications must be approved by Common Council resolution. The approved credit amount will be applied to each stormwater utility bill for as long as the property owner maintains their credit eligibility status in accordance with this policy.

The credits described in this policy will apply to all new credit applications upon the day following City Council approval of this policy. The revisions to this policy are not retroactive. All previously approved credits will remain effective, provided that the site conditions remain unchanged, and the credit eligible practice remains in place, as per the previously approved credit.

III. Credit Criteria

A. Criteria for Flow Control Credit

1. Properties that Construct Flow Control Structures

This credit applies to all properties that provide privately constructed and maintained runoff flow control measures, or will provide privately constructed and maintained runoff flow control measures as a component of a land development process. The credit is based on

City of Oshkosh Non-Residential Stormwater Utility Credit Policy

the reduction of post-development runoff flow. A property must show that its runoff is released at a lower rate than without stormwater management. The property must also demonstrate that it has met the minimum flow control requirements of the local ordinances or policies in effect at the time of the land development activity.

To determine the credit amount, the post-development site runoff rate with no management will be compared to the post-development site runoff rate with management. This percentage reduction will then be multiplied by the maximum amount of flow control credit (i.e. 50 percent) to determine the utility rate credit. All calculations shall use the 10-year, 24-hour, SCS Type II distribution with a rainstorm depth of 3.56 inches (as referenced Midwest Climate Center Bulletin 71) over 24 hours. See Section IV for submittal requirements.

For example:

A	B	C	
Post-Development Flow Rate (before management measures)	Post-Development Flow Rate (after management measures)	% "Control" 1-(B/A)	Credit (C) x 50%
Example 1: 50 cfs	10cfs	80%	40%
Example 2: 50 cfs	5 cfs	90%	45%
Example 3: 100 cfs	5 cfs	95%	47.5%

Note: "cfs" is the flow rate in "cubic feet per second"

2. Riparian Properties

Properties that discharge stormwater from all or a portion of their property directly into the Fox River, Lake Butte des Morts, or Lake Winnebago, without entering a City of Oshkosh municipally owned stormwater conveyance system may be eligible for a credit. The credit amount will be pro-rated based on the percent of the property that drains directly to the Fox River, Lake Butte des Morts, or Lake Winnebago. In no case will the credit exceed the Category B1 percentage. For example: a property with one half of the impervious area draining directly to an eligible water body would receive a 25% credit. See Section IV for submittal requirements.

Properties located on other creeks, streams, wetlands and/or ditches, are not eligible for this credit. (Constructed boat channels adjacent to Lake Winnebago, Fox River, or Lake Butte de Morts are considered riparian for purposes of this credit policy. See map attached to this document for the areas designated as "constructed channels for purposes of this policy).

B. Criteria for Pollution Control Credit

1. Method for Calculating Pollution Control

The amount of stormwater pollution control achieved with a structural management practice will be calculated using the Source Loading and Management Model (SLAMM). Information on how to access SLAMM is available at:

<https://dnr.wisconsin.gov/topic/Stormwater/standards/slamm.html>.

Using the appropriate model, the applicant must calculate the average annual Total Suspended Solids (TSS) and Total Phosphorus (TP) loads under two conditions: 1) the property without any pollution control practice(s) and 2) the same property with the pollution

City of Oshkosh Non-Residential Stormwater Utility Credit Policy

control practice(s). The land cover and conveyance system characteristics must be identical under both conditions.

2. Pollution Control Credit Eligibility

The following categories of properties may receive up to a 25% credit on their stormwater fee for pollution control activities

a. New Land Development

By state and local regulations, all new land development (occurring after October 1, 2004) must meet a post-construction pollution reduction of 80% TSS. By local regulations, all new land development occurring after January 1, 2026 must also achieve a TP reduction of 54%. Properties with new land development may receive up to a 25% credit for exceeding the minimum pollution control requirements. To be eligible for a pollution control credit a new development must meet all applicable pollution reduction standards in place at the time of development. Sites that were granted Maximum Extent Practicable (MEP) approval for a portion of the requirements are not credit eligible. The process for credit calculation and conditions to be met are as follows:

- 1) The level of credit is determined as follows:
 - a) 80% - 85.0% TSS reduction or 54% - 57% TP reduction = 0% credit
 - b) 85.1% - 90.0% TSS reduction or 57.1% - 61% TP reduction = 20% credit
 - c) Greater than 90% TSS reduction or greater than 61% TP reduction = 25% credit
- 2) The structural pollution control practice(s) are owned, operated, and maintained by private landowner(s),
- 3) There is a written maintenance agreement in place between the private landowner(s) and the City of Oshkosh. Among other conditions, the agreement shall allow the City to have access and conduct inspections of the control practice(s) to verify that proper maintenance is being conducted, and
- 4) The credit recipient must submit an annual report to the city stating that the pollution control practice is maintained and operating as designed. This section of the policy applies to all land development **on or after** October 1, 2004 (the effective date of the state regulations). See Section IV for submittal requirements.

b. Redeveloped Lands

Lands that were developed before October 1, 2004 and are undergoing re-development may receive a utility rate credit by installing pollution reduction practices. These properties may receive up to a 25% utility fee credit. The process for credit calculation and conditions to be met are as follows:

- 1) For site redeveloped prior to January 1, 2026 the level of credit is determined as follows:
 - a) Less than 40% TSS reduction (if MEP approved by city) = 5% credit
 - b) 40% - 50% TSS reduction = 15% credit
 - c) Greater than 50 % TSS reduction = 25% credit
- 2) For sites redeveloped after January 1, 2026 the level of credit is determined as follows:
 - a) Less than 58.4% TSS reduction and 30% TP reduction (if MEP approved by city) = 5% credit
 - b) 58.4% - 65% TSS reduction or 30% - 44% TP reduction = 15% credit
 - c) Greater than 65% TSS reduction or greater than 44% TP reduction = 25% credit

City of Oshkosh Non-Residential Stormwater Utility Credit Policy

- 3) The structural pollution control practice(s) are owned, operated, and maintained by private landowner(s),
- 4) There is a written maintenance agreement in place between the private landowner(s) and the City of Oshkosh. Among other conditions, the agreement shall allow the City to have access and conduct inspections of the control practice(s) to verify that proper maintenance is being conducted,
- 5) The credit recipient submits an annual report to the city stating that the pollution control practice is maintained and operating as designed, and
- 6) This section of the policy applies to: application of stormwater pollution control to lands developed before October 1, 2004 (the effective date of the state regulations). See Section IV for submittal requirements.

c. Pollution Control Credit Eligibility for Existing Developed Lands (not being redeveloped)

Properties that are in neither category (B2a or B2b) may receive a credit up to 25% of the property's utility fee. The process for credit calculation and conditions to be met are as follows:

- 1) Level of credit is determined as follows:
 - a) Up to 10% TSS reduction = 5% credit
 - b) 10% - 20% TSS reduction = 15% credit
 - c) Greater than 20% TSS reduction = 25% credit.
- 2) The structural pollution control practice(s) are owned, operated, and maintained by private landowner(s),
- 3) The owner must provide calculations showing the TP reduction achieved by the practice(s).
- 4) There is a written maintenance agreement in place between the private landowner(s) and the City of Oshkosh. Among other conditions, the agreement shall allow the City to have access and conduct inspections of the control practice(s) to verify that proper maintenance is being conducted,
- 5) The credit recipient submits an annual report to the city stating that the pollution control practice is maintained and operating as designed, and
- 6) This section of the policy applies to: application of stormwater pollution control to lands developed before October 1, 2004 (the effective date of the state regulations). See Section IV for submittal requirements.
- 7) If the property is an industrial site with an existing industrial NR 216 permit, the stormwater management practice(s) must reduce the sediment pollution from the regulated area by greater than the minimum permit requirements.
- 8) For non-regulated areas of an industrial property, the credit levels listed under c. 1. (above) shall apply.

IV. Credit Request Submittal Requirements

The Director of Public Works (or designee) shall review credit request submittal for compliance with this policy.

1. Review Fee
 - a. Prior to review the property owner requesting the review shall pay a one-time review fee as detailed below:
 - 1) Flow control credit only: \$200.00
 - 2) Pollution control credit only: \$200.00
 - 3) Flow control and pollution control credit: \$300.00.
2. Required Documentation

City of Oshkosh Non-Residential Stormwater Utility Credit Policy

a. Application

The application request letter shall contain the following information:

- Tax Parcel Number
- Parcel Address
- Owner Name
- Owner Address
- Amount and Type of Credit Requested

b. Owner Certification

The applicant shall provide an “as-built survey”, and a written certification that the peak flow management practice(s) are functioning in the manner indicated on the credit application.

and/or

The applicant shall provide written certification that the percentage of parcels draining to riparian waters is correct and that drainage patterns have not been altered.

and/or

The applicant shall provide an “as-built survey” and a written certification that the pollution control practice(s) are functioning in the manner indicated on the credit application.

c. Operations and Maintenance Manual

The applicant shall provide to the City of Oshkosh Department of Public Works’ (DPW) for review and approval a manual for the operation, inspection, and maintenance of all management practices.

d. Supporting Plans and Calculations

The applicant shall provide for DPW review and approval, any hydrologic/hydraulic and pollution control studies, plans, and other supporting documentation required to demonstrate, to the satisfaction of the Director, that the measures taken meet the requirements for the credits requested. A Professional Engineer or Hydrologist, licensed in the State of Wisconsin, must certify supporting Plan and Calculations.

e. Stormwater Utility Credit Application Manual

A copy of the city’s stormwater utility credit application manual can be obtained from the city’s website at the following website address:

<https://www.oshkoshwi.gov/StormWaterUtility/>.

This manual can be used to assist the applicant with obtaining the necessary documentation to meet the requirements of this credit policy.

3. Approval Process

a. Director’s (or Designee’s) Review

The Director shall have thirty (30) calendar days to review credit applications, whereupon the Director may approve or deny the application as submitted, or provide comments for re-submittal. In the event of a re-submittal request, the thirty-day period referred to above shall begin again pending the receipt of all information requested.

b. Appeals

See Chapter 14 of the City of Oshkosh Municipal Code.

City of Oshkosh Non-Residential Stormwater Utility Credit Policy

- c. Annual Reevaluation
All Credits shall be subject to an annual review for compliance with the current year's credit policy. Credits may vary or be eliminated over time subject to the terms of the current year's credit policy. It is the responsibility of the billed customer to provide the Director with any and all changes to the conditions of the onsite management practices and conditions that may affect the credit rate for the site. Violations of the terms and/or conditions of the credit request may be subject to collection of utility fees retroactive to the date of the violation.

- d. Retroactivity
Pending approval of the credit request, any and all credits will be granted retroactive to the date of the **complete credit request submittal**. The Director shall determine whether a submittal is complete using the current credit request submittal requirements.