

WEST HANOVER TOWNSHIP STORMWATER PROGRAM

FREQUENTLY ASKED QUESTIONS

last updated 06/17/2020

*Please note that residents Q & A is located under the additional documents under forms, applications and permits.

- 1. Why is West Hanover doing this Program?** Under the federal Clean Water Act and the state Clean Streams Law, the Township must develop, implement and enforce a Stormwater management program to reduce the discharge of pollutants into streams under a general permit that is renewed every 5 years. There are six minimum control measures that comprise the management program. The Township must demonstrate compliance through submission of annual status reports. The current permit was effective March 16, 2018 and expires on March 15, 2023.
- 2. Why haven't I heard of this Program before?** The Township has been operating under a general permit for Stormwater discharges since 2003. In 1990, the EPA established Phase 1 of its Stormwater Program which covered medium and large Municipal Separate Storm Sewer Systems (MS4). In 2000, EPA established its Phase II Rule which applies to small MS4s located in "urbanized" areas. As a result of the 2010 Census, West Hanover fell within the Harrisburg urbanized area and thus subject to the EPA regulations. Prior to this year, the Township included compliance with mandated reductions as part of its general operations and funded the program from local property taxes. In 2019, as the pollution reduction program increased and became more burdensome, the Supervisors decided that it would be better undertaken by a separate body and funded from a fee rather than general property taxes.
- 3. Who determines the required amount of pollution reduction?** Every 5 years as part of the Township's permit renewal process, the US Environmental Protection Agency (EPA) and the PA Department of Environmental Protection (DEP) mandate certain pollution control measures that must be implemented by the Township.

4. **What types of projects will be undertaken?** As part of the permit renewal, the Township proposes a list of Stormwater related activities and projects that it believes will allow it to meet the required reductions by the end of the permit cycle. This is accomplished through preparation of a Township Chesapeake Bay Pollutant Reduction Plan (CBPRP). This plan is submitted to DEP for its approval and, once approved, becomes the basis for the renewed permit. The Township's current CBPRP was prepared in September 2017.
5. **Who determines which projects are undertaken?** As part of the permit renewal process, DEP will provide the Township with its pollution reduction targets for the next permit cycle. The Township will have the opportunity to propose a list of projects that it believes will meet the reduction requirements. DEP will review the Township's plan and either approve or deny. If approved, those projects will be included in the Township's next permit. During the permit cycle, the Township can substitute projects provided that any substitution allows the Township to meet the reduction requirements.
6. **What is West Hanover's current pollution reduction requirements?** By July 1, 2023, the Township must have reduced sediment by 10%, reduce nitrogen by 5% and reduce phosphorus by 3%.
7. **What happens if the Township doesn't meet the conditions of the Stormwater permit?** Failure to comply with the terms, conditions, or effluent limitations of the permit is grounds for enforcement action, permit termination or revocation. In addition, if there is a violation of certain provisions of the Stormwater permit, the Township can be subject to civil, administrative and/or criminal penalties under the US Clean Water Act and criminal and/or civil penalties under the PA Clean Streams Law.
8. **What other local Townships operate Stormwater programs?** At present, Lower Paxton, Derry, Swatara, Lower Swatara, Harrisburg, and Susquehanna Townships operate or are establishing Stormwater programs.
9. **Why am I being assessed a fee?** All West Hanover property owners who have greater than 800 square feet of impervious surface on their property are being assessed a fee. In 2019, the Supervisors determined that a fee on all property owners whose parcels

generate Stormwater from impervious surfaces was more equitable than a tax on only taxable property owners.

10. How is my fee being calculated? The Township's engineering consultants conducted a survey of all properties to determine the amount of impervious surface on each parcel. The consultants used a combination of County property records, Township permit records and aerial photography to arrive at each parcel's impervious surface. It was determined that the typical residential property in the Township had 3,300 square feet of impervious surfaces (an "ERU"). In order to meet the annual financial obligations of the Program, the Authority established an annual fee of \$104 per ERU. Your fee is calculated by dividing your impervious surface by 3300 and multiplying the result by \$104. For example, if your property's impervious surface is 1,650 sf, your fee is calculated as follows:

$$1650 / 3300 = .50 \times \$104 = \$52$$

11. How can I pay my fee? After this year, bills will be sent out at the beginning of each year. The Township has retained Keystone Collections to handle the billing and collection process. Property owners will have the option of paying the full amount or paying in quarterly installments.

12. Will the fee remain the same each year? The Authority is striving to keep the fee the same during each permit cycle which runs for 5 years. The current permit requirements run thru July 1, 2023. Maintenance of the current fee of \$104 per ERU depends in part on the amount of Stormwater credits granted by the Authority and the rate of fee collections experienced by the Authority.

13. What if I don't agree with the impervious calculations? The Authority has established an appeal procedure that can be instituted by any property owner that believes their impervious surface calculation is incorrect. The appeal procedure is outlined in the Authority's Rates, Rules and Regulations. If the Authority determines that an error has occurred, your bill will be amended to reflect the change.

14. What will the fee be used for? The fee will be used to pay for the six minimum control measures outlined in the Township's current permit and pollution reduction projects

included in the CBPRP. The general categories of these measures are: Public Education and Outreach on Stormwater Impacts; Public Involvement/Participation; Illicit Discharge Detection and Elimination; Construction Site Stormwater Runoff Control; Post-Construction Stormwater Management in New Development and Redevelopment; and Pollution Prevention/Good Housekeeping. The Stormwater fees will only be used for expenses related to Stormwater and not for any expenses relating to other Township provided services.

15. **Who is going to do the work?** To the extent possible, the Authority will use the Township's public works employees to do the work. Only in the event our Public Works doesn't have the time, or the expertise will outside entities be used. The administrative work will be undertaken by Township employees to the extent they have enough time. The selection of any outside consultants or contractors will be based on competitive proposals.
16. **How can I lower my fee?** The Authority has adopted a system of credits and incentives that a property owner can apply for to reduce their bill. The credits can be as simple as installing a rain barrel to as complex as constructing a Stormwater detention facility. The property owner can also reduce their amount of impervious surface by undertaking certain projects such as replacing existing pavement with pervious concrete. A detailed description of the credits and the application process can be found in the Authority's Rates, Rules and Regulations which is on the Township website or available for inspection at the Township's office.
17. **What happens if I don't pay my fee?** The Stormwater fee is due 30 days from the date of billing. Failure to make timely payments will result in a penalty of 10%. In addition, interest at the rate of ½% per month will be added to unpaid amounts. If the fees, penalties and interest remain unpaid for a certain period, a lien may be filed against the property. Once the unpaid fees, penalty and interest reach a certain threshold, the property may be sold thru a tax lien sale to recoup the fees, penalties, interest and lien costs.
18. **Why isn't the Township operating the Program?** In 2019, the Township Supervisors determined that the Program could be best operated by an independent board and reactivated the Authority and appointed its board members.

19. **What is the West Hanover Township Authority?** The Authority was created by the Township in 1985 and has been inactive for a number of years. The Supervisors reactivated the Authority in 2019 to operate this Program. The Authority is governed by a board of directors consisting of five local residents appointed by the Supervisors to staggered terms. At the end of each term, the Supervisors can either reappoint the member or appoint a new resident to fill the seat. The only compensation the Authority members receive is a \$50 fee for each meeting attended. The Authority Board meets monthly at 6:30 pm on the first Wednesday of every month in the Township building at 7171 Allentown Blvd. The Authority's meetings are open to the public and permit public comment. Meeting agendas and minutes are currently posted on the Township's website. The Authority is in the process of developing its own website.
20. **What are the duties of the Authority?** Under a management agreement between the Township and Authority, the Authority duties include, but are not limited to, the following: (a) supervise the operation and maintenance of the System; (b) bill and collect all moneys due in connection with the System; (c) prepare and file reports relating to the operation of the System; and (d) determine what is required for the proper operation and maintenance, including upgrades, repairs and replacement of the System.
21. **Does the Authority have any staff?** Currently, existing Township employees are providing staffing services to the Authority pursuant to a Management Agreement. Only in the event Township staff cannot meet the demands will the Authority consider retaining its own staff or using outside contractors.
22. **Who determines what the Authority spends?** The Authority prepares an annual budget for the following year that is submitted to the Supervisors each October for their approval. The Supervisor must approve the Authority's budget before it becomes effective.
23. **What if I have questions regarding the Program?** Anyone with questions should contact Janet Hardman at the Township office or attend an Authority board meeting.
24. **Can I suggest a project for the Authority?** The Stormwater projects for the current permit cycle have already been selected and approved by DEP. There is the possibility of substituting a current cycle project provided it meets certain criteria which are yet to be

established by the Authority. The Authority will entertain suggestions for future projects to be undertaken by it during the next permit cycle.

- 25. If the Township has been subject to a Stormwater permit since 2003, why is a Stormwater fee just now being instituted?** In 2010, EPA established limits (total maximum daily loads) for nitrogen, phosphorus and sediment necessary for the Chesapeake Bay watershed to restore the Bay and its tidal rivers to health. By 2017, practices should have been in place to achieve 60% of the 2025 pollution reduction goals. Pennsylvania committed to urban/suburban Stormwater runoff reductions of 30% for sediment, 27% for phosphorus and 25% for nitrogen by 2017. However, by that time sediment pollution decreased by only 8%, phosphorus decreased by only 10% and nitrogen increased by 1%. In the last permit round beginning in 2018, DEP revised the over 330 Phase II MS4 permits in PA's portion of the Chesapeake watershed. Small MS4s (including West Hanover) are now required to reduce loads of nitrogen by 3%, phosphorus by 5% and sediment by 10% over five years to meet PA's Blueprint goals. The specific numeric reductions of pollutants are new, as there was previously no targets to achieve. The permittee must also identify specific practices to achieve these goals. The cost of these new permit requirements has grown exponentially from prior years which has necessitated the establishment of the fee.
- 26. Why wasn't I informed of this new Stormwater fee?** Beginning in 2019, there were two public hearings to discuss the Stormwater program and the upcoming fee. There have been articles in every Township Newsletter since the Summer of 2019. Ever since November of 2019, all Authority meetings have been advertised and held in public. There have also been several Township Supervisor meetings where the Stormwater program and fee were discussed. All of the Authority's agendas and minutes are available on the Township's website.
- 27. Why not fund the Stormwater program out of the Township general fund rather than with fees?** If the Stormwater program was included within the general fund, it would necessitate a substantial increase in real estate tax rates. The burden of the program would fall solely on the taxable property owners in the Township. Since there are many property owners in the Township that are tax-exempt or have preferential tax assessments, a fee in lieu of a tax will spread the burden over a greater number of Township property

owners. The Supervisors came to the conclusion that a fee was more equitable than a tax. Most, if not all, of the municipalities in our area which have Stormwater programs have come to the same conclusion.

28. **How was my Impervious Surface calculated?** The most recent aerial maps from the Dauphin County GIS (2018) were used in calculating the Impervious Area. Permit information from Township records was also used.
29. **What is Stormwater?** Stormwater is runoff water from all precipitation events, snow melts and springs.
30. **What surfaces are considered impervious?** An impervious surface is one that prevent the infiltration of water into the ground. The definition is contained in the Authority's Rates, Rules and Regulations which can be viewed on the Township's website or inspected at the Township's office. Examples of surfaces or areas considered impervious include, but are not limited to, roofs, additional living spaces, patios, garages, storage sheds and similar structures, streets, sidewalks and vehicle and pedestrian areas that are gravel and crushed stone. Decks are not considered as impervious if they do not prevent infiltration. Currently, the surface area of pools is considered impervious. The EPA considers pools to be impervious. The Township's Subdivision & Land Development Ordinance also considers pools to be impervious. The surface area of ponds is not considered impervious.
31. **What are the cost of applying for a Credit?** There is a \$25 credit application fee. The fee may, however, be waived at the Authority's sole and exclusive discretion. In addition, some credit applications may require the establishment of an escrow account to cover professional services for review of the application.
32. **When will I know if my Credit Application is approved?** The Authority or its designee will provide written notification of the credit determination within 60 days of receipt of a complete Credit Application. If an Authority response is not made within 60 days, the the Credit Application is deemed denied.

33. If my Credit Application is approved by the Authority, when will I receive the credit?

The Authority may approve credits retroactively through December 31, 2020. Thereafter, credit applications must be submitted no later than 60 days prior to the start of the first billing quarter to which the credit will be applied. For example, if you wish your credit to be applied to your 2021 fee, you must apply prior to November 2, 2020. Credits approved in 2021 and thereafter will not be applied retroactively.

34. Can I appeal my Stormwater fee? If you believe that the Impervious Area (IA) and or Equivalent Residential Unit (ERU) calculation is incorrect, you may appeal the Stormwater fee calculation. The appeal must be filed with the Authority within 30 days of the charge being delivered to you.

35. Is there a fee to submit an adjustment appeal? There is no fee associated with submitting an adjustment appeal. However, you are solely responsible for any costs incurred in the preparation and submission of the adjustment appeal and all required appeal documentation.

36. When will I know if my adjustment appeal is approved? Within 5 days of submission, an Authority representative will review your appeal for completeness. The Authority has 60 days from the date of submission to either approve or deny your appeal. If the Authority fails to take action within the 60-day period, your appeal is deemed approved.

37. If my appeal is approved, when will I be credited with the adjustment? Approved adjustments will be applied to the current Stormwater bill and all future billings.

38. If I reside in a neighborhood development that complied with the Township's Stormwater Ordinance, am I eligible for rate, volume and quality control credits?

The Water Quality Credit is available to Non-Residential properties if the stormwater facility, detention basin, rain garden, etc design exceeds the minimum requirements of the Township's Stormwater Ordinance. The Peak Flow Attenuation Credits are available only to properties that discharge stormwater to a detention or retention facility that exceeds the minimum requirements of the Township's Stormwater Management Ordinance, and that is constructed and maintained accordingly.

39. If more than one credit is applicable to my property, can I apply for multiple credits?

You may apply for multiple credits under a single application. Single Family Residential parcels are limited to a total maximum credit of 50% of the parcel's stormwater fee. Non-SFR parcels are also limited to a total maximum credit of 50% unless qualifying for a Stormwater Partnership Credit which has no limit.

40. Why is stormwater a problem? Stormwater comes from rain events, snow melt and other surface runoff and drainage. Stormwater pollutants include sediment, nutrients, bacteria, oil & grease, oxygen demand, trace metals, toxic chemicals, chlorides and thermal impacts. Stormwater from West Hanover ultimately ends up in the Chesapeake Bay.

41. Is the 13 person stakeholders group separate from the Authority? Yes. In February of 2019, the Township created a MS4 Stakeholder committee comprising a group of township residents, businesses and churches to assist the Township in reviewing the MS4 budget and projects to determine the stormwater fee necessary to cover administrative costs, storm water projects and storm water maintenance within the Township. The objectives for the Stakeholders was to review the stormwater management program; review the draft budget; review the fee structure and billing; and develop a public outreach strategy. The MS4 Stakeholder group became inactive after the Authority was reactivated. Three members of the Stakeholders Group were asked by the Township to serve on the Authority Board of Directors.

42. Why wasn't a letter sent out? The Authority believed the public meetings, two public hearings and articles in the Summer, Fall and Winter Township Newsletters were sufficient to inform residents of the upcoming fee. The notice of the second public meeting to inform the residents of the proposed fee appeared on the front page of the Winter Township newsletter.

43. Fairness of the Authority fee structure based on impervious area. The Authority's rate structure is based upon cost causation. Costs are caused by peak flows and pollution. According to the EPA, peak flows and surface water pollution are directly tied to impervious area. Impervious areas are the single most significant indicator. The majority of all stormwater utilities use impervious area as the sole metric in their rate structure.

44. **What sources(s) did the Authority use to define impervious area?** The Authority chose to stay consistent with existing ordinances of the Township. Specifically, Chapter 168 of the Township's Stormwater Management Ordinance includes a definition of impervious areas in Section 168-11.
45. **Reasonableness of the 2020 Stormwater Fee.** The fee is based on the amount necessary to fund the Authority's annual budgeted expenditures. The Authority's annual expenditures are the amounts necessary to meet the mandated stormwater permit requirements of DEP.
46. **How was my fee calculated?** Based on an analysis of the impervious area of all residential properties within the Township, the Authority was able to conclude that the average residential property contained 3,300 sf of impervious area. The fundamental unit for charging the fee is an Equivalent Residential Unit (ERU). The 2020 stormwater fee is \$104.00 per ERU. All property owners are charged based upon measure impervious area converted into ERUs. If your property contains 6,600 sf of impervious area you will be charged for 2 ERUs or \$208.00.
47. **How can residents find out individual Impervious Area measurements the Authority determined for their property?** Authority staff can provide you with a parcel map which shows which areas on your property are included as impervious. This map provides a total of the impervious areas but not individual calculations. The Authority bills in $\frac{1}{4}$ ERU increments so minor differences in the calculation of the total ERUs may not make a difference in your bill. You should measure your impervious areas and compare your calculations with the Authority's. If there is a material difference, you should file an adjustment appeal. There is no cost to filing an adjustment appeal.
48. **Can exceptions/credits be made for structures with an overhead covering but no foundations?** The impervious area calculation is based off roof areas.
49. **What is the Authority doing for Disabled Vietnam Veterans?** The Authority has no program for disabled veterans.

50. **Should the Authority include wetlands in the deductions?** The Authority offers no credits available for existing wetlands on a property.
51. **Will my stream be included in the deduction?** The Authority offers no credits available for existing streams on private property.
52. **Are farmers being included in the run-off fees?** Agricultural properties are considered Non-Residential Properties and are being assessed a fee based on each parcel's impervious area. There is no fee assessed on undeveloped farm parcels.
53. **How much of a deduction will I get if I make a 10'x10'x4" deep holding pond for roof run-off?** Board clarification is forthcoming.
54. **How often will the Authority increase its stormwater fee?** The Authority establishes its annual stormwater fee after it has an approved budget. The Authority's annual budget funds the costs of administration & legal, engineering & planning, operations & maintenance, regulation/enforcement, stormwater quality and capital improvements. Most of the annual costs of the stormwater program are mandated under the stormwater permit issued by DEP. DEP renews the Township's permit every 5 years. The next DEP renewal is in 2023. There is no way to predict what mandates will be placed on the Township in the next DEP permit.
55. **I have two First Energy electric towers on my property, am I paying for them or should they pay?** As the property owner, you are being billed for their impervious area. You should attempt to have them pay the fee relating to their facilities. We are aware of certain property owners who have gotten their easement holder to agree to pay the fee related to their facilities. Legal property owners are responsible to pay the fee as billed and, if a third party is involved (i.e. tenant or land lease), the property owner should seek reimbursement from such third party. Property owners can contact the Authority and it will provide a breakdown of the Impervious Area contained within such easement or lease.

56. **Method used to determine impervious area.** Using aerial imagery from 2018 and GIS parcel data, the Authority's consultants measured the impervious area on properties. The Township also used building and zoning permits from 2019 and 2020.
57. **A flat stormwater fee for all residential properties versus the Authority's adopted policy of charging based on impervious area.** Since EPA considers peak flows and surface water pollution to be directly tied to impervious area, the Authority, MS4 Stakeholders Group, Authority consultants and staff determined that a fee based on impervious surface was the fairest method of allocating stormwater costs among residential property owners.
58. **When will residents see new storm water facilities?** The Authority's capital expenditures include repairs and maintenance of existing storm water facilities as well as new ones. The new facilities require various federal and state permits. The new BMP project slated for completion this year has received its federal permit and is awaiting its DEP permit. Repairs not requiring state or federal permitting are underway by the Township's public works department.
59. **Is there a flat rate for HRG to do a review?** No. HRG bills the Authority on an hourly basis. The rate depends on the HRG employee providing the service to the Authority.
60. **Is the appeal process extended for 60 days?** Yes.
61. **How is Township staff or additional staff being paid?** At this stage, the Authority has no staff on its own and relies on existing Township employees to provide the necessary support. The Township bills the Authority on an hourly basis for the time its administrative or public works employees spend on Authority business. The Township's bills are paid by the Authority from stormwater fees.
62. **Certain property owners should not have to pay the stormwater fee since they have no sewers or streetlights.** The stormwater fee is separate and distinct from other services provided by the Township and will only be used to pay for stormwater activities. The stormwater fee is not conditioned on the provision of any other services by the Township.

63. Did Authority have firm date to adopt the stormwater fee? The Authority was directed by the Township to begin operating the Township stormwater program on January 1, 2020. The Authority began incurring expenses as of that date. The stormwater fee needed to be imposed as soon as possible after the first of the year to fund 2020 expenditures. The Township agreed to provide a limited amount of working capital until stormwater fees were received by the Authority. The Authority is obligated to repay the Township advance by the end of this calendar year.

64. Why so many changes to the Authority's Rates, Rules and Regulations (RRRs). Most of the changes reflect clarifications or corrections of ambiguities that were discovered as the RRRs were implemented.

65. Fishing Creek Valley residents not being treated fairly. The fee is being applied uniformly to all property owners with 800 sf or greater of impervious area regardless of their physical location. The fee is calculated based on the square footage of impervious surface for each parcel. The definitions of impervious surfaces is consistent with current Township regulations.

66. Is there any end to this program? The current program was triggered by an interstate compact from 2010 that extended until 2025 whose purpose was to reduce the pollution levels of the Chesapeake Bay. Based on the latest assessment of the Bay, it appears Pennsylvania's pollution reduction targets will not be met by 2025. It is unclear what will happen after 2025.

67. The County tax maps used in the Authority's billing process are not accurate. The Authority has no control over the accuracy of the County tax maps. These maps are the most accurate information readily available to the Authority at a reasonable cost. The Authority's appeal process should be able to correct any inaccuracies as they relate to the calculation of the stormwater fee.

68. The timing of the stormwater fee is poor. The decision of the Authority's takeover of the Program was made by the Township in early 2019. The logical date for the transition was the beginning of the calendar year. The stormwater billing was originally planned for January 2020. Delays in getting the Authority reactivated, the 2020 operating budget

approved and the stormwater rate adopted pushed the billing to April. In 2019, no one could have foreseen the pandemic.

69. The Board is urged to slow down and rethink. The Township is in the midst of a DEP permit cycle that mandates the undertaking of specific activities and pollution reduction projects within a specific time frame. The failure to undertake and complete these activities within that time frame may lead to fines on the Township for non-compliance.

70. Why wasn't stormwater added to the tax bill?

The stormwater fee is not a tax. Not all parcel owners pay real estate taxes. Not all taxpayers pay a stormwater fee. There is no direct correlation between real estate tax assessments/bills and impervious surfaces or stormwater.

71. Credits should be more than 40%. The Authority has set the maximum credit available to a residential property owner at 50%. This maximum can be derived from multiple credits. Non-Residential properties may qualify for a Stormwater Partnership Credit which has no maximum.

72. How often does the Township re-evaluate. The Authority prepares an annual budget in the fall that must be approved by the Township before it goes into effect. The Authority will re-evaluate its stormwater fee every year based on the newly approved budget. The Authority has prepared a budget estimate for the next five years and is hoping that the 2020 fee will remain the same over that period.

73. Does the appeal have to happen every year? No. Unlike a stormwater credit that must be renewed every year or every four years depending on the credit, after an adjustment appeal is granted, it is applied to the permanent record of the parcel and will be incorporated in future billings. There is no charge for an adjustment appeal.

74. Will additional vacant lots be taken into account in the low impact credit? The low-impact credit is applied only on an individual parcel basis.

75. Why is the low impact credit not automatic? In order to receive a low impact, a parcel must meet three conditions, only one of which is the ratio of total impervious area to total parcel area. A portion of the parcel's Impervious Area may qualify for a credit even if all the Impervious Area does not meet conditions 2 & 3 of the requirements.

76. Will the stormwater fee affect real estate taxes in the long run? The stormwater fee charged to a taxing authority, such as a school district, becomes an operating expense of that entity. It is impossible to assess whether the stormwater fee will impact the tax rates levied by such an entity.

77. Who is exempt from the stormwater fee? Federal properties are exempt from the stormwater fee. Pennsylvania and its agencies have indicated they will not pay any stormwater fees levied on their properties. Also, residential parcels with less than 800 square feet of impervious area do not receive a stormwater bill.

78. What would a flat residential rate be? The Authority requested its consultant to prepare a preliminary estimate of the flat residential fee necessary to fund the residential properties' share of the annual budget. There are 3,889 residential parcels in the Township with 3,810 receiving bills. The 2020 stormwater fee residential billings are estimated to generate \$516,958. A flat fee on all residential properties would have to be approximately \$136.00 to generate the same revenue. 70.7% of the Township's residential parcels would be negatively impacted by a flat fee and 29.3% of the residential parcels would benefit from a flat fee. There are 270 residential parcels in the Township that were billed the minimum annual fee of \$26.00