

City of Brampton

Stormwater Charge Credit Program

July 13, 2020

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1. Introduction

This Stormwater Charge Credit Program guidance document is intended to provide general information and assistance associated with the available opportunities for reducing the stormwater charge payable by a property owner. This includes eligibility criteria, information on the application process, and on the levels of reduction available. This manual is not intended to be all-inclusive, and the City of Brampton reserves the right to revise the details of the stormwater charge application and approval process at any time.

2. Stormwater Charge Credit Program

2.1 Objective

The City of Brampton has authorized the availability of a Stormwater Credit Program through By-Law 82-2020. Stormwater Charge Credits work to provide incentives for implementing, operating and maintaining stormwater management works, practices or measures (stormwater management practices) on eligible properties, recognizing that such practices provide a benefit to the City's stormwater drainage system through reduction of stormwater volume and pollutants.

2.2 Availability

The Stormwater Credit Program is available to every non-residential and multi-residential property in Brampton, unless otherwise exempt from stormwater charges or receiving a subsidy to offset stormwater charges.

2.3 Duration

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

3. Stormwater Credit Program Administration

3.1 Program Eligibility

Non-residential and multi-residential properties (including mixed-use properties) are eligible for the credit program, except for any portion thereof which is receiving an exemption or subsidy for the stormwater charge. Single residential properties are not eligible for the credit program.

If you have any questions about your eligibility, please call 311 or contact program administration staff at environment@brampton.ca. Participation in the credit program is by

application only.

Where approved, stormwater credits will be applied against the net billable units on a given parcel (i.e. the gross billing units less any legal or technical exemptions). Properties that receive a subsidy for the stormwater charge are not eligible for credits.

3.2 Credit Amounts

Stormwater credits are gained through implementation of stormwater management practices in 4 categories as shown in Table 1. Detailed descriptions and examples of application of these evaluation criteria are provided in Appendices 2 and 3, respectively.

Table 1. Stormwater Credit Categories

Category	Evaluation Criteria	Total Credit (50% maximum summed across all categories)
Peak Flow Reduction	Percent reduction of the 100-year post development flow to pre-development conditions of the site	Up to 40%
Runoff Volume Reduction	Percent capture of first 15 mm of rainfall during a single rainfall event	Up to 15%
Water Quality Treatment	Consistent with Provincial criteria for enhanced treatment	Up to 15%
Pollution Prevention	Develop and implement a pollution prevention plan	Up to 5%

Regardless of the number, extent, and efficacy of stormwater management practices implemented on a property, the maximum available credit summed across all categories of stormwater management practices cannot exceed 50%.

The weighting of credits available in each category reflects the priorities within the City of Brampton's stormwater management program, with flood protection being the largest component, followed by erosion protection and water quality protection.

3.3 Eligible Stormwater Management Practices

This credit program is performance-based, and credits are awarded based on how well a property's stormwater management practices achieve performance criteria in the categories listed in Table 1.

The following is a non-exhaustive list of common stormwater management practices, each of which may provide one or more of peak flow reduction, volume reduction or water quality enhancement.

- Stormwater ponds
- Constructed wetlands
- Infiltration galleries
- Rain gardens/bio-retention systems
- Green roofs
- Permeable pavement
- Rainwater capture and reuse systems
- Enhanced vegetated swales
- Oil-grit separators

In those cases where a property implements practices that provide benefits across multiple credit categories, the applicant can apply for credits related to each category with the cumulative maximum credit available to a property of 50%.

Approval of credits and continuing eligibility for the credit program is dependent on demonstrated proof of function and maintenance of state of good repair of the eligible stormwater management practices, either through self- certification or City inspections. If the approved stormwater management practices are found to be deficient or are removed for any reason, the applicable credit(s) may be denied or revoked.

Drainage to any stormwater management facility for which maintenance is funded through the Stormwater Charge program, located within the municipal right-of-way or within a permanent easement is not eligible for a credit.

4. Stormwater Charge Credit Application Process

4.1 Application Types

There are three types of stormwater credit applications:

1. New Credit Application:

- applying for a credit on a property with existing stormwater management practices for the first time
- applying following a cancellation of a credit approval or revocation of an existing credit
- applying for a pre-approved credit for proposed stormwater management practices

2. Credit Update Application

- updating an existing credit to reflect a change to the approved stormwater management practices

3. Credit Renewal Application

- Applying to continue an existing credit that is about to expire

The Applicant is solely responsible for costs incurred in the preparation of the required documentation and/or the submission of the credit application. There is no application fee.

4.2 Application Form

The City will accept completed application forms online or by mail, and will accept supporting documentation in either hard-copy or digital (PDF) format.

[Visit www.brampton.ca/stormwater to download copies of the application form, or to submit an application online.](http://www.brampton.ca/stormwater)

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

Registered Owner – this is to be chosen if the applicant is the owner of the property and has permission to act on behalf of any other owners of the property;

Authorized Agent – this is to be chosen if the applicant is not an owner of the property and has permission to act on the behalf of all the owners of the property;

Status of Stormwater Practices:

Existing – Stormwater management practices are constructed and operational at the time of applying;

Proposed as Retrofit – Stormwater management practices are proposed to be implemented into a developed site;

Proposed with New Development – Stormwater management practices are proposed to be implemented into a site undergoing re-development.

4.3 Approval Process

Once an application is received by the City, the Stormwater Charge Manager or designate will conduct an initial screening to ensure completeness. An application is deemed complete when the applicant has filled out all appropriate sections of the application form and submitted the relevant supporting documents and reports. The Applicant may be contacted to provide missing or additional information or documents.

Applications that are deemed complete will be registered as such, and applicants notified that a technical review is being undertaken to verify that the proposed or existing stormwater management practices provide the required benefits.

The technical review of an application is expected to be completed within sixty (60) calendar days following registration.

Applicants may be requested to provide additional information to enable review and evaluation of their application. If an Applicant fails to provide the necessary information

within 60 days, the application will be rejected.

In the event that the review results in a request for additional information or clarification on matters from the Applicant, a thirty (30) calendar day period will be added to the review period upon receipt of all information requested.

The City reserves the right to conduct a site inspection during the application phase as described in Section 6.

4.4 Effective Date of Approved Credit

Credit applications received before December 31, 2020

Approved credits that result from applications received by December 31, 2020 will be retroactive to the first date of billing (i.e. the first date of stormwater charge accrual on the account, June 1, 2020) or the date on which the qualified stormwater management practices were put into service, as determined by the Stormwater Charge Manager, whichever is later.

Credit applications received from January 2021 onward

Approved credits that result from applications received on or after January 1, 2021 will be retroactive to the date of receipt of the complete applications, from which the approved credits were based on, or the date on which the qualified stormwater management practices were put into service, as determined by the Stormwater Charge Manager, whichever is later.

Pre-approval applications

For credit applications submitted in advance of construction or implementation of stormwater management practices, a credit may be conditionally pre-approved. The credit will not become effective until such time that it has been demonstrated by the Applicant, to the satisfaction of the Stormwater Charge Manager, that the stormwater management practices approved for credits have been implemented, meet the objectives of their approved design, and are in service.

4.5 Stormwater Charges Billed while Credit Application is Under Review

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

5. Terms and Conditions of Credit Approval

Stormwater credit approvals will be subject to terms and conditions, including maintaining the function and state of good repair of the stormwater management practices that have been approved for credit, and maintaining appropriate logs and documentation. The City may request copies of these documents to verify the operation and state of repair of the

stormwater management practices at any time during the term of the credit. Further details are provided in Appendix 1.

Stormwater credit pre-approval applications for proposed works will be reviewed in a similar way to the credit approval applications for existing stormwater management practices. However, prior to pre-approved credits becoming effective, an engineer's certification of construction and operation will be required. For credits that have been pre-approved, construction of the associated stormwater management practices and engineering certification of these must be completed within two (2) years from the date the pre-approval was granted, otherwise the credit application becomes invalid. Should the stormwater management practices differ in design and construction from the drawings and reports that were used to pre-approve the credit, an applicant will be required to submit updated supporting documentation with their engineer's certification of operation.

6. Site Inspections

6.1 Inspections for Credit Applications

The Stormwater Charge Manager or designate may contact the Applicant with a requested date to conduct a site inspection to verify that any constructed stormwater management practices are in conformance with the documentation provided and are operating in accordance with documented performance criteria. Inspection results will be considered during evaluation of a credit application. Failure to respond to the request for a site inspection within thirty (30) calendar days will result in the credit application being closed. Where the Applicant has responded to the City's request for site inspections, the inspection must be facilitated within sixty (60) calendar days of the original request, otherwise the credit application will be closed.

6.2 Compliance Inspections

Each Applicant that has received a credit for stormwater management practices on their property has the responsibility to regularly inspect, maintain and repair same to ensure their competency and state of good repair during the period that a credit is being received.

The City reserves the right to conduct site inspections and may, at any reasonable time, enter and inspect any property for purposes of assessing whether stormwater management practices for which a credit have been approved are being maintained as to function, are in a state of good repair, and are operating in accordance with the performance criteria established in the credit approval. Where these stormwater management practices are found to deficient in function or state of repair, stormwater credits may be suspended, reduced or cancelled.

At any point during the term of a credit, the Stormwater Charge Manager or designate may contact the credit holder with a requested date to conduct a site inspection. Inspection staff may request to see operations and maintenance documents, which a credit holder is required to keep for a minimum of five (5) years. Sites that are inspected will be graded as:

- **Pass** – credit continues to apply
- **Fail** – credit is terminated
- **Suspended** – credit is suspended immediately and Applicant has sixty (60) calendar days to institute remedial action to restore the function and state of good repair of the stormwater management practices for which a credit was granted, otherwise the credit will be terminated.

Failure to respond to the request for a site inspection within thirty (30) calendar days will result in the credit being terminated. Where the credit holder has responded to the City's request for site inspections, the inspection must be facilitated within sixty (60) calendar days of the original request, otherwise the credit will be terminated.

While the City reserves the right to conduct detailed field measurements and monitoring to verify performance, it is anticipated that inspections will typically involve visual assessments, site interviews with operations/maintenance personnel, and review of appropriate documents.

7. Credit Update Application

A credit holder is responsible for notifying the Stormwater Charge Manager of any material change (alteration, improvement, deficiency or failure) to the stormwater management practices for which a credit was approved and is in effect.

Material change means both actions taken by a property owner and those occurring through lack of action by a property owner or unrelated to the actions of the property owner.

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

8. Credit Renewal Application

Credits automatically expire after five (5) years, and credit holders are required to submit a credit renewal application to ensure they continue to receive a credit. A renewal application must be submitted at least six (6) months before expiration of the credit to ensure the renewal is processed before the expiration date. Applications received after this date may not be processed and approved before expiration of credits, and there will be a gap where no credits will be received until the renewal is approved.

The approved credit renewal shall be effective upon the expiration date of the original credit, or approval date of the credit renewal, whichever is later.

Details on supporting documentation requirements for credit renewal applications are

provided in Appendix 1.

9. Penalties

As described in By-law 82-2020, stormwater credits may be **suspended, reduced or cancelled** by the City under the following circumstances:

1. Failure of the Applicant (or applicable property owner) to make stormwater charge payments as billed by the Region of Peel;
2. Failure of the Applicant (or applicable property owner) to meet the terms and conditions of the credit approval;
3. Submission of inaccurate or false information by the Applicant (or applicable property owner);
4. Failure of the Applicant (or applicable property owner) to maintain stormwater management practices as required by the terms and conditions of the credit approval;
5. Failure of a stormwater management practice to operate or meet the performance criteria as documented in the Applicant's credit application or credit update or renewal application and/or its supporting documentation and/or the terms and conditions for the credit approval, update or renewal; or,
6. Failure to submit a complete credit renewal application within the prescribed time.

In the circumstance that stormwater management practices for which credits were approved are found to be in a state of disrepair or no longer function as approved, the credit holder shall reimburse to the City the entire amount of the credit received in respect of the property since the date that the application was approved, updated or renewed or since the previous inspection by the City, whichever is later. If a stormwater credit has been cancelled, the Applicant may not re-apply for a credit for a period of twelve (12) months.

Suspension

Stormwater credits may be suspended as a result of property inspections, and the credit holder will have sixty (60) calendar days to correct deficiencies and schedule a follow-up inspection with the City to verify deficiencies have been addressed, otherwise the credit will be terminated.

Suspension period extensions may be granted at the discretion of the Stormwater Charge Manager, and the credit holder is required to submit a request for extension in writing.

Cancellation

Cancelled stormwater credits will not be reinstated, instead property owners will be required to submit a new credit application no earlier than a year after the date on which the credit was cancelled.

Appeals

A reduction or cancellation of a stormwater credit may be appealed by the Applicant in writing to the Commissioner of Public Works and Engineering. The decision of the Commissioner shall be considered final and binding.

Appendix 1: Supporting Documentation for Applications

New Credit and Credit Update Applications

A completed application form and the information listed below, as applicable, is required to be provided to the Stormwater Charge Manager:

1. **Stormwater Management Report** certified by a qualified Professional Engineer and accompanied by a letter, signed by the author of the report, which allows the City of Brampton to rely on the findings and conclusions presented in the report. This report is expected to be generally consistent with current City of Brampton development requirements for on-site stormwater management reports and must include details outlining the credit percentage applied for and how the stormwater management practices achieve the credit requirements, and other relevant information.
2. **Site plan, and engineering drawings** for stormwater management practices. These should conform to the City's development requirements for such plans and drawings, and include at a minimum:
 - Property location and boundaries
 - Topographic details
 - Location and outlines of all structures, including buildings, parking, driveways and other impervious areas
 - Location of easements
 - Drainage areas, including external drainage areas that drain to the site
 - Stormwater management facilities, works or measures and other drainage details
3. **Stormwater models and calculations** to support peak flow reduction, water quality treatment or runoff volume reduction credits.
4. **Pollution Prevention Plans**, prepared with due heed to any relevant requirements under the Sewer Control By-law 90-75, as amended, or any successor by-law. Materials and documentation must be prepared or approved by a qualified Professional Engineer.
5. **Operation and Maintenance Plan**
 - Proposed inspection and documentation plan;
 - Proposed maintenance and documentation plan;
 - Details on the procedures to be performed; and
 - Affirmation that inspection and maintenance records must be kept on file by the Applicant or site owner/operator for the duration of the approved credit and be made available to City staff upon request.

6. Engineer's Certification of Operation

The certification must be in the form of a letter addressed to the Stormwater Charge Manager, and must be signed and stamped by a qualified Professional Engineer. The letter will include certification that all stormwater management practices have been constructed in accordance with the submitted drawings, and provide the date on which these were implemented into service.

For a pre-approval application, the engineer's certification will be required after the stormwater management practices have been implemented.

A template for the certification letter has been provided in Appendix 4.

Credit Renewal Applications

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

1. A report certified by a qualified professional engineer that provides:
 - Confirmation that the performance of all stormwater management practices remain consistent with the previously approved credit application;
 - Confirmation that the stormwater management practices are in a state of good repair.
2. Inspection and maintenance logs
3. Operations and maintenance plans

Appendix 2: Credit Evaluation Criteria

Peak Flow Reduction (up to 40%)

The amount of this credit, up to the maximum of 40%, will be assessed based on how well the 100 year post-development flows from the impervious areas of the site are controlled, with 40% credit being assessed if the 100 year post-development flows from the entire impervious area of the site are controlled to the 100 pre-development levels, using a runoff coefficient of 0.25 for pre-development conditions. Where the entire impervious surface area of the site cannot meet this target, the fraction that does shall be multiplied by 40% to determine the amount of credit. A report certified by a Professional Engineer shall be prepared to support this determination of peak flow reduction credit.

Water Quality Treatment (up to 15%)

The amount of this credit is based on the percentage of the impervious area of the site wherefrom runoff is treated to Enhanced water quality levels as per *Stormwater Management Planning and Design Manual, March 2003*, Ontario Ministry of the Environment. The full 15% is awarded if all the impervious areas are being treated to Enhanced level, and where only a fraction of the impervious areas meet Enhanced level water quality treatment, the full credit amount shall be multiplied by that fraction to yield the credit amount for the site. A report certified by a Professional Engineer shall be prepared to support this determination of water quality treatment credit.

Runoff Volume Reduction (up to 15%)

This credit is assessed based on how much stormwater runoff from the impervious areas of the site can be retained or re-used on the site. The target is runoff from the first 15 mm of any single storm event (meaning events preceded by and followed by 24 hours of no measurable rainfall), which accounts for 90% of the annual runoff. The amount of the credit is based on 1% for each mm of retention/re-use achieved. A report certified by a Professional Engineer shall be prepared to support this determination of volume reduction credit.

Pollution Prevention (up to 5%)

The amount of this credit shall be based on preparation of an approved pollution prevention plan and the percentage of the credit shall be based on achievement of distinct targets and milestones of the plan. A credit amount of 1% is awarded for each 20% of the Pollution Prevention Plan implemented.

Appendix 3: Examples

Note: these examples are not based on stormwater models, and are intended only to demonstrate the calculations for determining credit amounts.

Example 1: Stormwater management practices to be implemented on existing site

- Site is 1.0 hectare in size.
- Buildings and other impervious areas = 0.5 hectare
- 100-year pre-development flows = 50 L/s from impervious areas
- Existing flows = 150 L/s from impervious areas
- Applicant has proposed on-site storage for quantity control
- Controlled flows from impervious areas after implementation of onsite storage = 75 L/s

Maximum 40% credit would be awarded if controlled flows were 50 L/s from the impervious areas

Since controlled flows are 75 L/s, the credit awarded would be

$$\frac{\text{existing} - \text{proposed}}{\text{existing} - \text{predevelopment}} \times 40\% = \frac{150 - 75}{150 - 50} \times 40\% = 30\%$$

Example 2: Stormwater management to be implemented on new development

- Site is 5.0 hectare in size.
- Buildings and other impervious areas = 1.50 hectare
- 100-year pre-development flows = 125 L/s from impervious areas
- Uncontrolled post-development flows from impervious areas = 300 L/s
- Applicant has proposed stormwater management pond for quantity control and water quality treatment, and runoff from all impervious areas are being directed to pond.
- Controlled post-development 100-year flows from impervious areas = 125 L/s

The Applicant may apply for the maximum 40% credit for peak flow reduction since the 100-year post-development flows from the impervious areas are being controlled to pre-development rates.

The Applicant may also apply for the maximum 15% credit for water quality treatment, since all the impervious areas are being directed to a stormwater pond.

The sum of all these credits is 40% + 15% = 55%

Hence, the Applicant may receive the maximum 50% credit summed across these two credit

categories.

Example 3 : Stormwater management to be implemented on new development

- Site is 5.0 hectare in size.
- Buildings and other impervious areas = 1.50 hectare
- 100-year pre-development flows = 125 L/s from impervious areas
- Applicant is proposing infiltration gallery with 75 m³ of storage (equivalent to 5mm of retention from the impervious areas)
- Uncontrolled post-development flows from impervious areas = 300 L/s
- Applicant has proposed stormwater management pond for quantity control and water quality treatment, and runoff from all impervious areas are being directed to pond.
- Controlled post-development 100-year flows from impervious areas = 125 L/s (assuming infiltration gallery is inactive)

The Applicant may apply for the maximum 40% credit for peak flow reduction since the 100-year post-development flows from the impervious areas are being controlled to pre-development rates.

The Applicant may also apply for the maximum 15% credit for water quality treatment, since all the impervious areas are being directed to a stormwater pond.

The Applicant may also apply for a 5% credit based on retention of 5 mm of runoff from the impervious areas.

The sum of all these credits is $40\% + 15\% + 5\% = 60\%$

Hence, the Applicant may receive the maximum 50% credit summed across these three credit categories.

Example 4 : Pollution Prevention Plan

- Site is paint manufacturer and distributor.
- Site had developed a pollution prevention plan with an associated training program
- Training of all staff represents the final 20% of implementation of the pollution prevention plan
- At time of application, only 50% of staff have received training on the pollution prevention plan.

Since the training component represents the final 20% of implementation, and half of the staff have received training, the pollution prevention plan is deemed 90% complete towards implementation.

The Applicant may hence apply for a 4.5% credit, representing 90% of the maximum allowable amount in the pollution prevention credit category.

Appendix 4: Engineering Certification Letter Template

Date:

To: City of Brampton
2 Wellington Street West
Brampton, Ontario
L6Y 4R2

Attn: Stormwater Charge Manager

**RE: Certification of Stormwater Management Works, Practices or Measures
(Credit Application Reference Number, Property Municipal Address)**

(Company name) has served as the engineering consultant for the certification of the (description of stormwater management works, practices or measures, referred hereinafter as the SWM works) at the above noted address. This letter will confirm that I/we have inspected the (SWM works) on the above noted lands and do hereby certify that all systems have been designed and constructed in accordance with (Drawing(s) No.(s) , dated and Report(s), dated).

We further certify that all SWM works are completed and operational in accordance with sound engineering practices and principles and are based on guidance from “Low Impact Development Stormwater Management Planning and Design Guide” and “Stormwater Management Planning and Design Manual”.

Further, I/We hereby confirm that the SWM works have been implemented into service and are operational as of (date).

Should you have any questions or concerns regarding the letter please do not hesitate to contact this office at ____.

Yours truly,

Professional Engineer's signature

Professional Engineer's name

Name of company

Professional Engineer's stamp