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CITY OF SUPERIOR



Stormwater Utility Credit Program

Prepared by
Environmental Services Division of Public Works

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Document Overview

This document starts with general information about the stormwater utility, the fee structure, and the “fee for service” based credit system. Section 2, Credit Policy, describes general application requirements and an overview of the available credits. Sections 3 and 4 cover Stormwater Conveyance System (SCS) and Receiving Water (RW) credits, respectively. Each section describes the specific application requirements including reference materials and submittals. Application documents are found in Appendix A and B, respectively.

SECTION 1 – GENERAL INFORMATION

1.1 PURPOSE

- 1.1.1** To provide the background information used to develop credit types and assign amounts.
- 1.1.2** To explain the program performance requirements.
- 1.1.3** To provide an explanation of the process and the information necessary for Non-Single Family Unit (NSFU) customers to apply for stormwater utility credits.

1.2 TERMS AND DEFINITIONS

- 1.2.1** Unless specified within this document or other referenced City documents, definitions shall be those found in City Ordinance and in Wisconsin Department of Natural Resources Administrative Code (NR code) governing Wastewater and Stormwater. If there is a conflict between City ordinance and any City stormwater utility program document, the ordinance definition will control. Words not defined within the City stormwater utility program or referenced documents, City Ordinance, or within NR code shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Merriam-Webster's Unabridged Dictionary.
 - A.** *Site* shall mean an area of land defined with borders determined by the City of Superior's public works department

1.3 INTRODUCTION

1.3.1 Credit Program

The stormwater utility credit program (hereafter, Program) was developed to provide a process for customers to reduce their stormwater utility fee that reflects the reduced burden on the utility of managing excess runoff from sites that either do not fully use the services provided by the utility or that assume that burden within their private property. Calculations from the Stormwater Program Budget were used to develop two categories of credits. The two categories of credit are the Stormwater Conveyance System (SCS) credit and the Receiving Water (RW) credit.

1.3.2 Stormwater Utility

The common council of the City of Superior, Wisconsin created a stormwater utility through ordinance adoption on June 15, 2004. The citywide stormwater utility was created to provide an equitable and stable funding source for the City's stormwater management services. The charge is based on the amount of impervious surface contained within each parcel. In general terms, the impervious surfaces are the portions of the property that shed excess runoff during a storm. The definition of impervious surfaces can be found in the City of Superior Stormwater Management Permitting Program. Impervious surfaces are deemed to generate excess runoff as compared to property in its undeveloped state.

A combination of in field impervious surface measurements and statistical sampling of residential properties within the City were used to determine that an average developed Single Family Unit (SFU) has 2,933 square feet of impervious surfaces. As a result, 2,933 square feet is used as the Equivalent Runoff Unit (ERU) or base-billing unit.

All parcels are charged the \$5.90 per ERU. For NSFU parcels, the number of ERUs is calculated on the amount of impervious surfaces contained within each parcel.¹ Each Single Family Unit is charged for 1 ERU, regardless of the amount of impervious surfaces on the site. No parcel is charged less than 1 ERU.

Impervious surface delineations for each NSFU are based on measurements obtained from the most recent aerial photographs available to City staff. The City obtains new aerial imagery approximately every 4 to 5 years. The Geographical Information System (GIS) mapping is used to calculate the impervious surfaces from these delineations. The amount of impervious surface is measured in square feet and divided by 2,933. The result of that division is rounded up to the next tenth of a whole number and becomes the number of ERUs assigned to the property. That number is multiplied by the billing rate of \$5.90 per ERU per month, and rounded to the nearest cent.

The number of ERUs on a parcel will remain constant unless:

1. Physical changes are made that alter the amount of impervious surface or
2. Corrections are made to improve the accuracy of City and County mapping or
3. New imagery is obtained or
4. An on-site inspection is conducted or
5. There is a recalculation of the ERU.

ERU recalculation occurs about once every 4 to 5 years. It is performed as a quality control measure to help assure that the ERU value is current and accurate. The next revision of the ERU is anticipated in 2017. The common council retains the authority to change these dates. Until such time as the revision is made, the ERU and resulting Credit percentages will remain the same.

The stormwater utility operates under a “fee for service” system of billing. The stormwater utility manages excess runoff from stormwater. In general, Credits are offered to NSFU Customers who can demonstrate they are significantly reducing the stormwater utility’s burden (or cost) for managing excess runoff from their property. This document explains how a customer can apply for credits.

NSFU customers who demonstrate they are not using certain types of services may apply for a credit. The amount of the credit corresponds to the degree to which the customer reduces the burden on the SCS.

The credit program reflects the available credits as a percentage reduction in the utility fee for NSFU customers. The fee is used to cover costs associated with managing the City’s SCS. This includes costs associated with operation and maintenance, capacity management (engineering), water quality management and capital improvements. The

¹ Questions pertaining to the individual calculations of impervious surfaces can be directed to the Water Resources Program Coordinator.

fee is also used to pay for billing and related administrative costs which are expenses shared equally by all customers.

Since no system can account for every possibility, reasonable assumptions must be made in order for this system of fees and credits to be practical. The intention of the credit program is to establish a logical, consistent, and accountable system where stormwater credits reasonably correspond to a reduction in the consumption of these services. NSFU customers receive credits according to these reductions.

SECTION 2 – CREDIT POLICY

2.1 PURPOSE OF CREDIT POLICY

2.1.1 Provide a reasonable and equitable means by which NSFU customers that are properly managing and/or significantly reducing the impact of excess runoff to the SCS are not charged for services they are not utilizing.

2.2 STORMWATER UTILITY FEE SERVICES

2.2.1 The stormwater utility fee is assessed to all customers located within the MS4 jurisdiction of the City of Superior. A NSFU customer may obtain a credit for a portion of the fee. However, a portion of the fee, called the “Minimum Service Charge”, is not eligible for credit and cannot be reduced. The fee pays for operation and maintenance, capacity management, water quality management, and capital improvements. These services are described briefly below:

- A. Operations And Maintenance (O&M) are activities conducted to help the utility assure that the SCS is properly operated and maintained through cleaning, repair, and replacement.
- B. Capacity Management (Engineering) are engineering activities that help assure that the SCS is properly designed, constructed, and inspected and performing as intended.
- C. Water Quality Management includes activities to manage water quality from Stormwater runoff throughout the Stormwater Conveyance System.
- D. Capital Improvements includes construction of SCS infrastructure such as replacement of existing structures or addition of new structures. It does not include the cost of operation and maintenance of the infrastructure.

2.2.2 The budget calculated the following fee services and percentages which are eligible for credit:

- A. Operation And Maintenance
 - 1. **Administrative Support = 0%** ²
 - 2. **SCS = 32.80%**
 - 3. **Total eligible for Credit Program = 32.80%**
- B. Capacity Management
 - 1. **Treatment = 8.75%**
 - 2. **Peak Flow = 8.75%**
 - 3. **Plan Review and Inspection = 8.75%**
 - 4. **Record Management = 0%** ³
 - 5. **Total eligible for Credit Program = 26.25%**
- C. Water Quality Management Credit
 - 1. **Water Quality Management = 0%** ⁴ or **17.37%** ⁵
 - 2. **Total eligible for Credit Program = 0%**

² This is part of the “Minimum Service Charge” and is not eligible for Credit.

³ This is part of the “Minimum Service Charge” and is not eligible for Credit.

⁴ This is part of the “Minimum Service Charge” for users of the SCS and is not eligible for Credit.

⁵ NSFU Customers who do not use the SCS and drain Excess Runoff directly to a Receiving Water may be eligible for a Credit for this service.

D. Capital Improvements

1. Capital Improvement = 9.07%

2. Total eligible for Credit Program = 9.07%

2.2.3 The fee services and percentages from the budget services program can also be expressed in a table as represented below.

Fee Services (Expressed as a Percentage of the Stormwater Fee)						
Operation and Maintenance of the SCS	Capacity Management (Engineering)			Water Quality Management	Capital Improvements	Total
	Plan, Design, Specifications (Treatment)	Plan, Design, Specifications (Peak Flow)	Quality Control (Plan Review and Inspections)			
32.80%	8.75%	8.75%	8.75%	17.37%	9.07%	85.49%

2.3 TYPES OF CREDITS

2.3.1 Credits are offered as a percent reduction of the stormwater utility fee. Credits pertain to a specific impervious surface within a parcel. Two types of credits are available, a Stormwater Conveyance System (SCS) credit and a Receiving Water (RW) credit.

- A.** SCS credits are available for eligible NSFU customers with privately owned and operated structural BMPs that provide treatment and/or peak flow attenuation for designated and measured impervious surfaces. All structural BMPs must comply with City Stormwater Management Permitting Program. Compliant BMPs that provide both treatment and peak flow attenuation are eligible for a credit of 59.02%. Complaint BMPs that provide treatment or flow attenuation are only eligible for a Credit of 29.51% (or half of the full SCS credit).
- B.** RW credit of 85.49% is available for eligible NSFU customers whose excess runoff drains directly into a designated receiving water body without flowing in, or through, any portion of the City’s SCS.

Credit Types	Reduction in Variable Charge
SCS (Both treatment and peak flow)	59.02%
Treatment only (½ x 59.02%)	29.51%
Peak Flow only (½ x 59.02%)	29.51%
RW	85.49%

2.4 CREDIT PROGRAM ELIGIBILITY AND LIMITATIONS

2.4.1 Credits are only available to Non-Single Family Units (NSFUs).

2.4.2 The same impervious surface cannot receive both SCS and RW credits.

2.4.3 No credit shall reduce the charge of a site below that of 1 ERU.

2.5 APPLICATION INFORMATION

- 2.5.1** Credit application materials are available at:
- A. City Stormwater web page: <http://www.ci.superior.wi.us/swu>.
 - B. Public Works Department main desk in the Government Center
 - C. Environmental Services Division main office at 51 East 1st Street
- 2.5.2** Send completed application forms to:
- Water Resources Program Coordinator
City of Superior - Environmental Services Division of Public Works
Attn: Stormwater Utility Credit
51 East 1st Street
Superior, WI 54880
- 2.5.3** For questions regarding the Credit application, contact:
Water Resources Program Coordinator
Environmental Services Division of Public Works
(715) 394-0392
deverak@ci.superior.wi.us
- 2.5.4** Make checks payable to:
City of Superior – Stormwater Credit Application Fee

2.6 APPLICATION PROCESSING

- 2.6.1** A credit application will not be considered complete and will not be processed unless accompanied by the application fee and all appropriate forms and information as required in this manual and the City Stormwater Management Permitting Program. The credit application fee is \$150.00. This fee covers one credit application form for one site. Each application form can include a request for one or more credits per site. The application fee is nonrefundable.
- 2.6.2** The Director of Public Works (or designee) shall determine whether a submittal is complete according to the individual credit application requirements.
- 2.6.3** The ESD will review stormwater credit applications within sixty (60) calendar days of receipt of the application form and payment of fee.
- 2.6.4** If additional information is needed, a copy of the application will be sent to the applicant notifying them of deficiencies found during the review. The review will resume and be completed within sixty (60) calendar days of receipt of the additional information from the applicant.
- 2.6.5** The Director of Public Works (or designee) shall approve or deny each credit application.
- 2.6.6** A letter will be sent to the applicant notifying of the credit approval.
- 2.6.7** Applicants who do not qualify for credits will receive a letter with an explanation for the denial of credit(s).
- 2.6.8** The applicant has the right to appeal a decision to deny a credit in accordance with the procedures outlined in the City of Superior Municipal Code relating to the stormwater utility.
- 2.6.9** A pending application for credit shall not constitute a valid reason for nonpayment of the current stormwater utility charges.

- 2.6.10** Approved credits will be applied to the stormwater utility bill retroactively to the month in which the customer's complete credit application was received.
- A.** Complete credit applications received on any day in a given month shall apply to the whole month.
 - B.** Credits detailed herein do not apply until as-built data for the stormwater BMP has been submitted and accepted.
- 2.6.11** Credits will be rounded to the nearest hundredth of a percent and to the nearest cent.

2.7 RECERTIFICATION AND REVOCATION OF CREDITS

- 2.7.1** Once a credit has been approved, the City may conduct periodic inspections to verify that conditions still warrant the credit. If circumstances have changed, such that the conditions required for eligibility no longer exist, the customer will no longer qualify for credits.
- 2.7.2** Factors that may affect continued credit qualification include:
- A.** Changes to impervious surfaces
 - B.** Changes to the drainage path(s) of runoff
 - C.** Non-compliance with any federal, state or local codes and/or any City stormwater standards or any related stormwater management plan or program
 - D.** Inadequate operation and maintenance of the BMP facility
 - E.** Refusal by the customer to allow access to the site to inspect compliance with design, maintenance and operating standards
 - F.** Inadequate annual reporting
- 2.7.3** If the conditions under which credits were granted change, the customer shall notify the ESD of the changes within thirty (30) calendar days after the change occurs.
- 2.7.4** The City may conduct a recertification review if an inspection or customer notification indicates the conditions delineated for credit approval have changed. Once the review is completed a determination will be made as to whether the current credit status is valid, should be revoked, or if additional information is necessary to determine continued qualification for the credit.
- 2.7.5** In those cases where additional information is required, the customer will receive notice of the information necessary for completing the recertification. The customer will be allowed ninety (90) calendar days for submittal of the necessary information. No credit application fee is charged for this review. Failure to submit requested information within ninety (90) calendar days will result in revocation of the credit effective on the ninety first (91) calendar day.
- 2.7.6** Applicants who no longer qualify for credits will receive an explanation of the deficiencies and will be allowed ninety (90) calendar days to correct these deficiencies. Failure to correct the deficiencies within 90 calendar days will result in revocation of the credit on the ninety-first (91) calendar day.
- 2.7.7** In cases where the credit has been revoked due to uncorrected deficiencies, the customer may reapply for the credit subject to the costs and provisions of a new application once the deficiencies have been corrected. No retroactive credits will be given during the period for which the credit has been revoked.
- 2.7.8** The Director of Public Works (or designee) shall have authority to extend the ninety (90) calendar day limit, on a case-by-case basis, if it can be demonstrated that an extension is warranted.

2.7.9 The applicant has the right to appeal a decision to revoke a credit, in accordance with the procedures outlined in Section 114-156 of the City of Superior Municipal Code relating to the Stormwater Utility.

2.8 LEGAL ISSUES AND AGREEMENT

- 2.8.1** When applying for a credit, the applicant must sign and submit to the City a License Agreement acknowledging and agreeing to the following:
- A.** The applicant grants the City the right-of-entry to inspect and verify the information submitted on the application. The applicant also grants the City a continuing right-of-entry for inspection, sampling and verification of information after the application for credit is granted. The City's right-of-entry shall continue so long as the drainage facility and/or improvement or any part of it shall be used by applicant to obtain credits.
 - B.** All stormwater improvements/BMPs and related runoff managed by the customer are or will be in compliance with any federal, state or local codes and/or any City stormwater standards or any related stormwater management plan or programs. Failure to comply with such requirements shall result in revocation of the credit.
 - C.** After completion of the construction or installation of the BMP(s) and approval by the City, the stormwater BMP(s) shall remain privately owned and maintained storm water BMP(s), shall not be accepted by the City, and shall not become a part of the maintenance program of the stormwater utility or the public works department. **All maintenance responsibility and liability shall be and remain with the property owner.**
 - D.** The applicant assumes all risks that may arise in connection with its stormwater BMP(s), and agrees that the City assumes and bears no liability or responsibility for applicant's stormwater BMP(s).
 - E.** The applicant waives any and all claims it may have against the City for the stormwater BMP(s), the City's entry onto the parcel to inspect, sample and verify information related to the application or the stormwater BMP, or any other claim the applicant may have against the City in connection with the Stormwater Management Permitting Program or any other City program related to stormwater.
 - F.** The applicant's agreement is binding on its successors and assigns.
 - G.** Transfer of the parcel(s) to an owner other than the original applicant or its successors or assigns shall result in the automatic revocation of the credit unless the new owner legally signs and files with the City the agreement required by this section within thirty (30) days of the transfer. Transfer of parcel(s) is deemed to occur on the date the property title is recorded with the Douglas County Register of Deeds.

SECTION 3 – SCS CREDITS (TREATMENT AND/OR PEAK FLOW)

3.1 PURPOSE

3.1.1 Explain the requirements for obtaining SCS credits.

3.2 GENERAL CONDITIONS

3.2.1 The City of Superior is responsible for managing the Stormwater Conveyance System (SCS). This requires the City to mitigate the impacts of excess runoff on water quality and quantity to the SCS and receiving water bodies. NSFU customers become eligible for SCS credits when they design and construct structural BMPs according to any applicable City stormwater standards that fully attenuate peak flow to pre-developed conditions and mitigate the effects of excess runoff on water quality in accordance with the any applicable City stormwater standards.

3.2.2 Customers receiving SCS credits must maintain the BMP(s) as required by the Long-Term Operation and Maintenance Plan and Agreement to remain qualified for the credits. Customers who do not properly operate and maintain facilities associated with SCS credits will no longer qualify for the credits.

A. For more information see “Recertification and Revocation of Credits.”

B. For more information on the Long-Term Operation and Maintenance Plan and agreement, see the City of Superior’s Stormwater Management Permitting Program.

3.2.3 If, at any time, the structural BMP does not comply with applicable City stormwater standards, the customer must correct the deficiencies. Failure to correct the deficiencies will result in revocation of the credit. Deficiencies may be corrected through enhancements to BMP maintenance, resizing of the treatment system, reducing the amount of impervious surfaces draining to the treatment system, or other measures as applicable.

3.3 ELIGIBILITY FOR SCS CREDITS

3.3.1 SCS Credit (Treatment and Peak Flow)

NSFU customers are eligible for a SCS credit of **59.02%** of the stormwater utility fee generated by a designated impervious surface within the parcel if the general conditions of this section and all of the following provisions are met:

A. Excess runoff must be generated by a designated and measured location of impervious surface.

1. This impervious surface must drain to approved structural BMP(s) in accordance with the City stormwater standards.

B. The customer applying for SCS credit must clearly delineate the impervious surface that generates excess runoff for which credits are being applied.

C. The BMP(s) must be properly constructed, operated and maintained by the property owner in conformance with City stormwater standards.

D. The structural BMP(s) must provide both treatment and flow attenuation of the excess runoff in compliance with the City stormwater standards.

E. The designated and measured location of impervious surface(s) must total at least 20 ERUs or constitute at least 50% of the total impervious surfaces draining from the site to the SCS.

F. In all cases the customer must comply with this credit policy and with federal, state or local codes and/or any City stormwater standards, or any stormwater management plan or program.

3.3.2 SCS Treatment Credit

NSFU customers are eligible for a treatment credit of **29.51%** of the stormwater utility fee generated by a designated impervious surface within the parcel if all of the following provisions are met:

- A.** The structural BMP provides treatment of excess runoff in compliance with applicable City stormwater standards.
- B.** All of the provisions for a SCS credit must be met except the BMP is not required to provide peak flow attenuation.

3.3.3 SCS Peak Flow Credit

NSFU Customers are eligible for a peak flow credit of **29.51%** of the stormwater utility fee generated by a designated impervious surface within the parcel if all of the following provisions are met:

- A.** The structural BMP provides peak flow attenuation of excess runoff in compliance with applicable City stormwater standards.
- B.** All of the provisions for a SCS credit must be met except the BMP is not required to provide treatment.

SECTION 4 – RW CREDIT

4.1 PURPOSE

4.1.1 Explain the requirements for obtaining RW credit.

4.2 GENERAL CONDITIONS

4.2.1 Receiving waters that are designated for credit are Lake Superior, the Pokegama River, and the St. Louis River. Properties located on other creeks, streams, and/or ditches, are not eligible for this credit. The City reserves the right to conduct studies that may change the designation of waters eligible for RW credits and may revise such designations on a 4 to 5 year cycle to coincide with the ERU recalculation or as deemed necessary. No credits will be approved for areas not designated for RW credit.

4.2.2 If the conditions under which credits were granted change, the customer must notify the ESD of the changes within thirty (30) calendar days.

4.2.3 If at any time excess runoff subject to the provisions of this credit is routed through any portion of the SCS, the RW credit may be subject to the “Recertification and Revocation of Credits” section of this credit policy.

4.3 ELIGIBILITY FOR RW CREDIT

4.3.1 NSFU customers are eligible for a RW credit of **85.49%** of the stormwater utility fee generated by designated impervious surface(s) within the parcel if the general conditions of this section and all of the following provisions are met:

- A.** Excess runoff must be generated by designated impervious surfaces.
 - 1.** This impervious surface(s) must drain directly to a designated receiving water body and cannot be tributary to any portion of the SCS.
- B.** The customer applying for RW credit must clearly delineate the impervious surface(s) that generate excess runoff for which credits are being applied.
- C.** The designated and measured location of impervious surface(s) must total at least 20 ERUs or constitute at least 50% of the total impervious surfaces on the site.
- D.** In all cases the customer must comply with this credit policy and with Federal, State or local codes and/or any applicable City stormwater standards, or any stormwater management plan or program.

Appendix One

STORMWATER CONVEYANCE SYSTEM CREDIT APPLICATION

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Origination Date: 9/07

Revision Dates: 10/07, 12/07, 4/08, 5/08, 2/09,
5/09, 3/16, 8/16

CITY OF SUPERIOR



THE CITY OF
SUPERIOR

W I S C O N S I N

Living up to our name.

Stormwater Conveyance System Treatment and Peak Flow Credit Application and Instructions

Prepared by:
Environmental Services Division of Public Works

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CITY OF SUPERIOR STORMWATER CONVEYANCE SYSTEM (SCS) CREDIT APPLICATION INSTRUCTIONS

Application Form

Application Fee

A credit application will not be processed unless accompanied by the application fee. The credit application fee is \$150.00 and covers one credit application form for one site. Customers seeking credit on multiple sites are required to submit an application and accompanying fee for each site. The application fee is nonrefundable. Make checks payable to: City of Superior – Stormwater Utility Credit Application Fee.

Property Owner Information

Enter the name and mailing address of the property owner (must be the owner as recorded with the County Registrar of Deeds). If you have questions or want to make a change regarding either the owner name or owner mailing address, contact the Douglas County Treasurer at (715) 395-1348.

Enter the owner's email address, if available.

Property Information

- Enter in the address of the property for which credit is being requested.
- Record the size of the whole property in square feet. (1 acre = 43,560 square feet)
- Record the total amount of impervious area in square feet. [Existing Impervious Area will be shown on the ESD provided map.]
- Enter the owner's account number from the City of Superior Utility Bill.
- Enter the parcel number(s) that contain the area for which credit is being applied.
- Briefly describe the basis or reasoning for the credit request in the space provided.

Contact Information

- Enter the name and title for the person responsible for the property.
- Enter the address where correspondence regarding the credit application should be sent.
- Enter an email address and phone number for the contact person.

Owner/Representative Certification

This section must be signed and dated by the property owner or an individual with delegated authority to execute instructions for the owner. By signing this form, the owner or representative is certifying that the information within the application is true and correct to the best of his/her knowledge and belief and that he/she agrees to provide updated information should there be any change in the information provided.

Any changes in information should be sent to: City of Superior Environmental Services Division, Attn: Water Resources Program Coordinator, 51 E. 1st St., Superior, WI 54880.

ERUs Eligible for Credit

Credits are offered as a percent reduction of the stormwater utility fee. Credits pertain to specific impervious surfaces within a site. It is NOT a site average measurement.

SCS credits are available for eligible NSFU customers with structural BMPs that provide treatment and/or peak flow attenuation for designated and measured impervious surfaces. All structural BMPs must comply with City Stormwater Standards. Compliant BMPs that provide both treatment and peak flow attenuation are eligible for a credit of 59.02%. Complaint BMPs that provide treatment or flow attenuation are only eligible for a credit of 29.51% (or half of the full SCS credit).

For more specific information about requirements, see the “City of Superior Stormwater Utility Credit Program.”

Verify the amount of impervious surfaces quantified on the ESD provided map. If applicable, identify and quantify any new impervious surfaces on the map. The definition of impervious surface can be found in the “City of Superior Stormwater Management Permitting Program”. Calculate the total amount of impervious surfaces in square feet.

After the drainage areas have been defined, determine the total amount of impervious surfaces that drain to the MS4. In addition, determine the amount of impervious surfaces requesting each credit type (full vs. partial SCS credit). Divide all impervious surface amounts by 2,933 ft² to convert to ERUs:

Enter these numbers, rounded to the nearest tenth of an ERU, on the application in the section titled “ERUs eligible for Stormwater Conveyance System Credit.” The ERUs eligible must total at least 20 ERUs or constitute at least 50% of the ERUs draining to the MS4 to qualify for credit.

Professional Engineer Certification

- Enter the name of the engineering company that the engineer is affiliated with along with the company address, city, state, zip code, phone and fax number.
- Enter the name of the engineer and the title or authority.
- The engineer must sign, date, enter the license type and number, and a cell phone number and email address if available. The professional must also review and initial the ESD provided map appropriately.

License Agreement

This section must be signed and dated by the owner or an individual with delegated authority to execute instructions for the owner. **By signing this form, the owner or representative is agreeing to allow the City access to the property to conduct inspections to verify compliance with the stormwater credit requirements.**

Narrative

Site Description

Provide a detailed site description. Describe the property location relative to major geographical features, waterbodies, roads, etc.

Identify the portion of impervious surfaces being treated and the location of all stormwater BMPs installed.

The location of commercial or industrial activities and materials that have the potential to contaminate storm water must be described.

Credit Justification

Describe in detail the BMPs that will be used to qualify for credit. Specify which credit type(s) are being applied for: only SCS peak flow, only SCS treatment, or both SCS peak flow and SCS treatment.

Survey Map

On the map provided by ESD, the property will be identified with the current parcel layer. If the representation of the parcel(s) is not adequate, a CSM or Map of Survey should be submitted. The Douglas County’s Register of Deeds houses existing maps and are available for purchase.

Stormwater Mapping

Existing and/or As-built Conditions

All applicants are required to submit plans and information showing the BMP(s) was(were) designed and installed to meet the credit program requirements.

For locations on which a BMP was installed prior to the credit program (2009), applicants shall provide a current topographical survey and a thorough inspection of all components of the BMP(s) along with either

1. The original site plan and narrative or DNR permit application detailing the installed BMPs and the expected level of treatment and attenuation

OR

2. An “existing plan” (developed from the current topographical survey) with the appropriate modeling showing the level of treatment and attenuation the site is achieving

For sites which have just been or are soon to be installed, as-built plans for any permanent stormwater management facilities must be included in the application. The plan must show the final implemented site design as well as details and specifications for all BMPs and be sealed by a registered professional engineer.

Provide map(s) containing all of the following information about your property. If you need mapping information please contact ESDPW:

- Site Conditions.
 - The applicant is responsible for providing a map or plan that show contours and topographic features which accurately reflect the as-built or current conditions of the site as discussed above.
 - Land features not represented by contours.
 - Any land feature (i.e. sink or hill) that is not represented by contours shall be drawn on the map.
 - All drainage areas, divides, and flow patterns.
 - This includes all flows affected by ditches and pipe systems. Flow arrows must be shown. Each area on the site must be labeled as “tributary to receiving water” or “tributary to City MS4”.
 - These areas shall be delineated and labeled with the same identifier as in the TR-20/55 routing schematics for newly constructed sites.
 - Location of stormwater controls/conveyance systems.
 - The location of stormwater controls and conveyances, public and private, including all known surface and subsurface conveyances, structural storm water controls and BMPs, including any secondary or other containment structures, shall be mapped and labeled. All public conveyances utilized, including pipes, ditches, culverts and streets, shall be clearly labeled as “public”.
 - Roads/streets/alleys – paved and unpaved
 - Culverts
 - Inlets/Catch Basins
 - Channels
 - Curbs
 - BMPs
 - Gutters
 - Other
 - Ditches
 - Outfalls – Including WPDES permitted outfalls that discharge channelized flow to surface water, groundwater, or wetlands (number each for reference)
 - Additional impervious surfaces.
 - Any impervious area that is not shown on the ESD provided GIS map’s aerial photograph shall be added to the map and labeled as “Impervious” (i.e. newly constructed buildings, roads, etc.)
- Contact the Water Resources Program Coordinator at 715-394-0392 or deverak@ci.superior.wi.us with any questions or to obtain mapping information.

Stormwater Design

Provide the following for your property:

- Stormwater models
 - **SCS Peak Flow Modeling** (*Wet or Dry Detention, Artificial Wetlands, Biofiltration, Swales, and Underground Storage*)
For all credit applications requesting peak flow attenuation credit, an evaluation which compares preexisting* peak flows to proposed peak flows for the 1-year, 2-year, 10-year, and 100-year Soil Conservation Service Type II design storms must be modeled. The results of this analysis must show that peak flows do not increase for any of these storms in the proposed conditions. A summary table must be included showing preexisting peak flows and proposed peak flows with attenuation. New facilities must also include proposed peak flows without peak flow attenuation.

*NOTE: Preexisting shall mean open space in good condition. Values in Table 2 of NR 151.123 shall be used

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

Note: Where the pre-development condition is a combination of woodland, grassland, or cropland, the runoff curve number should be pro-rated by area.

- Specific guidance and modeling requirements can be found in the City of Superior's Stormwater Management Permitting Program, Appendix C.
- **SCS Treatment Modeling** (*Wet Detention, Artificial Wetlands, Biofiltration, Underground Storage, and Vegetated Swales*)
 - For all credit applications requesting treatment credit, an evaluation which shows that by design, structural BMP's will reduce total suspended solids (TSS) by 80% compared to no controls in place, must be made utilizing the most recent version of WinSLAMM (preferred) or P8, version 3.4.
 - Information on either of these modeling programs can be found at <http://dnr.wi.gov/topic/stormwater/standards/slamm.html>.
 - Specific guidance and modeling requirements can be found in the City of Superior's Stormwater Management Permitting Program, Appendix C.

Operation and Maintenance Plan

The effectiveness of long-term stormwater BMPs depends upon routine inspections and appropriate maintenance of the practices. Inlet and outlet pipes should be inspected for obstructions, erosion and condition. Trash and debris should be collected and properly disposed of. Vegetation should be checked as mowing might be required and/or dead vegetation may need to be removed.

For each of the BMPs qualifying for credit, develop an operation and maintenance plan that is consistent with the BMP being used, the intended lifespan of the BMPs, safety requirements, and the design criteria. Please refer to the DNR technical standards for inspection and maintenance guidance

The operation and maintenance plan shall include:

- Description and locations of storm water controls and BMPs to be inspected and maintained by the applicant.
 - Schedule of inspection and maintenance including the techniques used to inspect and maintain the systems to ensure that they are functioning as designed.
 - Site specific inspection form(s) including names of all BMPs requiring inspection as identified by the inspection and maintenance schedule.
 - Property map identifying the location and names of each BMP as identified on the inspection form.
 - Method(s) of disposal for extracted material from maintenance activities.
 - Person(s) and phone number(s) of who will be responsible for inspection and maintenance.
-

Submittal Checklist

Submittal Checklist		
Completed Stormwater Utility Credit Application - Application Fee (\$150.00) - Property Owner Information - Property Information - Contact Information - Owner/Representative Certification - ERUs Eligible for Credit - Professional Engineer Certification - License Agreement	Check to indicate inclusion	
Narrative - Site Description - Impervious area description - Location of activities and materials that have the potential to contaminate storm water - Credit Justification	Check to indicate inclusion	
Plat Map (if needed) - Available through the Douglas County Register of Deeds if existing.	Included	N/A
Stormwater Mapping - Map(s) containing: <ul style="list-style-type: none"> • Contours <ul style="list-style-type: none"> ○ Land features not visible with contours • Drainage divides, flow patterns, and flow types-all labeled • Location of any stormwater controls/conveyance systems <ul style="list-style-type: none"> ○ Roads/Streets ○ Inlets/Catch Basins ○ Outfalls ○ Curbs ○ Gutters ○ Ditches ○ Culverts ○ BMPs ○ Channels ○ Other • Additional Impervious area not shown on the aerial photograph 	Included	N/A

Submittal Checklist Continued

Submittal Checklist Continued	
Stormwater Design <ul style="list-style-type: none"> - Stormwater Design Plans and Details - Peak Flow modeling (TR-20/55) <ul style="list-style-type: none"> ♦ Software and version used ♦ All input values ♦ Assumptions - TSS Modeling (P8 or WinSLAMM) <ul style="list-style-type: none"> ♦ Software and version used (most current version strongly recommended) ♦ All input values ♦ Assumptions 	Check to indicate inclusion
Rainfall Data <ul style="list-style-type: none"> - Data source documentation - Justification of specific values used, if needed 	Check to indicate inclusion
Operation and Maintenance Plan <ul style="list-style-type: none"> - Plan 	Check to indicate inclusion

**STORMWATER UTILITY
STORMWATER CONVEYANCE SYSTEM
CREDIT APPLICATION**
Application Fee \$150



Make checks payable to: City of Superior – Stormwater Credit Application Fee

Property Owner Information (Please print or type)
Owner's Name: _____ (Same as "Owner's Name" on Municipal Stormwater Utility Bill)
Owner's Address: _____ (Same as "Owner's Address" on Municipal Stormwater Utility Bill)
Email Address: _____

Property Information
Property Address/Location: _____
Property size (square feet): _____ Impervious area (square feet) _____
Account Number (from your City of Superior Utility Bill): _____
Parcel Number(s) (from ESD provided map): _____
Briefly describe the basis or reasoning for the credit request: _____ _____

Contact Information
Name: _____
Title: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Cell: _____
Email Address: _____

Owner/Representative Certification
The information within this application is true and correct to the best of my knowledge and belief. I agree to provide updated information should there be any change in the information provided herein. (This form must be signed by the owner or individual with delegated authority to execute instructions for owner.)
_____ Signature
_____ Date

ERUs eligible for Stormwater Conveyance System Credit

1.Total number of ERUs draining to the MS4 _____

2.Requested number of ERUs for only SCS Treatment Credits _____

3.Requested number of ERUs for only SCS Peak Flow Credits _____

4.Requested number of ERUs for both SCS
Peak Flow and SCS Treatment Credits _____

(NOTE: lines 2, 3 and 4 can NOT add to more than line 1)

5.BMP(s) utilized (check all that apply):

- Wet Detention Basin Artificial Wetland Biofiltration Vegetated Swales*
 Dry Detention Basin Underground Storage

(*Swales alone do not provide sufficient treatment; they are acceptable when used in series with other approved BMPs)

Professional Engineer Certification

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax _____

Certification: The following certification is required for approval of all credits for which a certified technical submission is required:

Any facilities constructed and/or installed as a condition of Credit qualification have been inspected and conform to technical and performance standards required within the City of Superior Stormwater Management Permitting Program. The information above and within this application was prepared either by or under the supervision of myself as the qualified professional and is true and correct to the best of my knowledge and belief.

Type or print name Title or Authority

Signature Date

Professional License Type and Number

Phone Number Email:

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "*Agreement*") is made by the applicant named below (together with its successors and assigns, "*Applicant*"), for the benefit of the City of Superior, Wisconsin, a municipal corporation (the "*City*"). Applicant has applied to the City for credits under the City's Stormwater Utility Credit Program (as in effect from time to time, the "*Stormwater Program*"). For good and valuable consideration, Applicant agrees as follows:

1. License. Applicant grants to the City a license to enter upon all or any portion of the real property set forth as "*APPLICANT'S STREET ADDRESS, CITY, STATE & ZIP*" below (the "*Property*"), for the limited purpose of inspecting the Property for compliance with the terms and conditions of the Stormwater Program and the paragraphs that follow. Any such right of entry by the City pursuant to the foregoing license shall be made upon at least 24 hours notice to Applicant, which may be given by telephone or email. The license may be revoked by Applicant only in the manner described below.
2. Creditable Activity. For purposes of this Agreement, the term "*Creditable Activity*" refers to any and all activities undertaken by Applicant on the Property to receive any credit under the Stormwater Program, including, without limitation, site grading, stormwater improvements, best managements practices for stormwater management, or related stormwater runoff managed by Applicant, as well as the construction, installation, condition, repair, maintenance or operation of the same.
3. Compliance. Applicant represents and warrants to the City that all Creditable Activity is, and will remain, in compliance with all Federal, State or local laws, ordinances, codes, rules and regulations, with all local technical or performance standards, and with all related stormwater management plans or programs, as each of them are in effect from time to time and applicable to the Property (collectively, "*Applicable Laws*"). Applicant is charged with knowledge of all Applicable Laws, as well as any changes to Applicable Laws during the period of time during which this instrument is effective.
4. Maintenance. All Creditable Activity shall be and remain privately owned and maintained, and shall not be accepted by the City, and shall not become a part of the maintenance program of the Stormwater Utility or the Public Works Department of the City. All responsibility and liability for maintenance of any Creditable Activity shall be and remain with Applicant.
5. Waiver of Claims. Applicant assumes all risks that may arise in connection with its Creditable Activity. Applicant agrees that the City assumes and bears no liability or responsibility for Applicant's Creditable Activity. Applicant waives any and all claims it may have against the City for its Creditable Activity, for the exercise by the City of its right of entry pursuant to the license granted by Applicant above or otherwise in connection with the Stormwater Program.

6. Revocation of Credits. This Agreement is being delivered as a prerequisite to Applicant's participation in the Stormwater Utility Credit Program, but confers no rights or interests in such program. Any credits that had been granted to Applicant under the Stormwater Credit Program shall be automatically revoked upon the occurrence of any of the following events: (a) Applicant is in default under any of the terms of this Agreement or the Stormwater Credit Program; or (b) Applicant discontinues any Creditable Activity; or (c) Applicant transfers the Property, as evidenced by an instrument of conveyance recorded in the real property records of Douglas County, Wisconsin, and the new owner fails within 30 days to execute and deliver an agreement containing all of the same terms and conditions of this Agreement. Applicant will not be entitled to restoration of such credits unless Applicant re-applies for the same pursuant to the terms of the Stormwater Utility Credit Program.

7. Revocation of License. Applicant may revoke the license granted above only by written notice to the City by certified mail, return receipt requested, to the attention of the Water Resources Program Coordinator, City of Superior – Environmental Services Division of Public Works, 51 East 1st Street, Superior, WI 54880.

8. General. Any notices required or permitted hereunder shall be sent by certified mail, addressed to Applicant at its address first listed above, and to the City c/o Water Resources Program Coordinator, City of Superior – Environmental Services Division of Public Works, 51 East 1st Street, Superior, WI 54880. If any provision hereof is invalid or unenforceable to any extent, that provision and the remainder of this instrument shall continue in effect and be enforceable to the fullest extent permitted by law.

<i>SIGNATURE OF AUTHORIZED AGENT OR EMPLOYEE OF APPLICANT</i>	<i>PRINTED NAME & TITLE OF AUTHORIZED SIGNATORY (e.g. "John Doe, President")</i>
<i>LEGAL NAME & ENTITY OF APPLICANT (e.g. Doe, Inc., a Wisconsin corporation)</i>	<i>APPLICANT'S STREET ADDRESS, CITY, STATE & ZIP</i>
<i>APPLICANT'S TELEPHONE NUMBER:</i>	<i>DATE OF SIGNATURE</i>

Appendix Two

RECEIVING WATER CREDIT APPLICATION

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Origination Date: 9/07
Revision Dates: 10/07, 12/07, 4/08,
5/08, 2/09, 3/09, 5/09, 3/16

CITY OF SUPERIOR



THE CITY OF
SUPERIOR

W I S C O N S I N

Living up to our name.

Receiving Water Credit Application and Instructions

Prepared by:
Environmental Services Division of Public Works

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CITY OF SUPERIOR RECEIVING WATER CREDIT APPLICATION INSTRUCTIONS

Application Form

Application Fee

A credit application will not be processed unless accompanied by the application fee. The credit application fee is \$150.00 and covers one credit application form for one site. Customers seeking credit on multiple sites are required to submit an application and accompanying fee for each site. The application fee is nonrefundable. Make checks payable to: City of Superior – Stormwater Utility Credit Application Fee.

Property Owner Information

Enter the name and mailing address of the property owner (must be the owner as recorded with the County Registrar of Deeds). If you have questions or want to make a change regarding either the owner name or owner mailing address, contact the Douglas County Treasurer at (715) 395-1348.

Enter the owner's email address, if available.

Property Information

- Enter in the address of the property for which credit is being requested.
- Record the size of the whole property in square feet. (1 acre = 43,560 square feet)
- Record the total amount of impervious area in square feet. [This will be shown on the ESD provided map.]
- Enter the owner's account number from the City of Superior Utility Bill.
- Enter the parcel number(s) that contain the area for which credit is being applied.
- Briefly describe the basis or reasoning for the credit request in the space provided.

Contact Information

- Enter the name and title for the person responsible for the property.
- Enter the address where correspondence regarding the credit application should be sent.
- Enter an email address and phone number for the contact person.

Owner/Representative Certification

This section must be signed and dated by the property owner or an individual with delegated authority to execute instructions for the owner. By signing this form, the owner or representative is certifying that the information within the application is true and correct to the best of his/her knowledge and belief and that he/she agrees to provide updated information should there be any change in the information provided.

Any changes in information should be sent to: City of Superior Environmental Services Division, Attn: Water Resources Program Coordinator, 51 E. 1st St., Superior, WI 54880.

ERUs Eligible for Credit

Credits are offered as a percent reduction of the stormwater utility fee. Credits pertain to specific impervious surfaces within a site. It is NOT a site average measurement.

A Receiving Water credit of 85.49% is available for eligible NSFU customers whose excess runoff drains directly into a designated receiving water body without flowing in or through any portion of the City's MS4. Designated receiving waters are Lake Superior, the Pokegama River, and the St. Louis River.

For more specific information about requirements, see the "City of Superior Stormwater Utility Program."

Utilizing the services of a land surveyor or professional engineer, evaluate the site drainage. If necessary, perform a topographic survey of sufficient detail to establish which portion of the impervious surfaces are tributary to the receiving water and which portions are tributary to the City's MS4. If a watershed divide exists on the site, it must be clearly shown on a site map relative to topographic features on the property. The applicant must transfer this information to the GIS map provided by the City of Superior, either physically or electronically, with sufficient detail to accurately reflect field conditions.

After any drainage divides within the property have been defined, determine the amount of impervious area that is tributary to a receiving water body. Divide that number by 2,933 ft² to determine the number of ERUs that are eligible for credit:

Enter these numbers, rounded to the nearest tenth of an ERU, on the application in the section titled "ERUs eligible for Credit." The ERUs eligible must total at least 20 ERUs or constitute at least 50% of the total ERUs located on the site to qualify for credit.

Indicate whether the flow is tributary to Lake Superior, the Pokegama River, or the St. Louis River.

The City of Superior will evaluate the applicant's interpretation of the number of ERUs eligible for receiving water credit by entering the information into the City GIS database. A final determination of eligible receiving water credits will be made by the City.

Professional Land Surveying or Engineering Certification

- Enter the name of the surveying or engineering company that the professional is affiliated with along with the company address, city, state, zip code, phone and fax number.
- Enter the name of the professional and the title or authority.
- The professional must sign, date, enter the license type and number, and a cell phone number and email address if available. The professional must also review and appropriately initial the ESD provided map regarding the ESD provided contours. If necessary to reflect site conditions, the professional must certify any additional mapping or survey information submitted as part of the application.

License Agreement

This section must be signed and dated by the owner or an individual with delegated authority to execute instructions for the owner. **By signing this form the owner or representative is agreeing to allow the City access to the property to conduct inspections to verify compliance with the stormwater credit requirements.**

Narrative

Site Description

Describe the property location relative to major geographical features, waterbodies, roads, etc. Identify all outfalls discharging from the property.

Generally describe the impervious area on the property discussing separately those impervious areas tributary to receiving waters and those impervious areas tributary to the City's MS4. Use the GIS map provided by the City as a guide in this description.

Include the name and location of receiving waters.

The location of commercial or industrial activities and materials that have the potential to contaminate storm water must be described.

Credit Justification

Identify the receiving water body that will be used to qualify for credit and check the appropriate box on page 2 of the application form. Define the route the runoff takes from your property on its way to the receiving water body.

Survey Map

On the map provided by ESD, the property will be identified with the current parcel layer. If the representation of the parcel(s) is not adequate, a CSM or Map of Survey should be submitted. The Douglas County's Register of Deeds houses existing maps and are available for purchase.

Stormwater Mapping

Provide map(s) containing all of the following information about your property (City provided GIS map plus additional maps as needed to clearly show all required information):

- ESD provided contours.
 - ESD will provide 1ft contours on the GIS map; however, if the contours provided are not representative of the existing conditions, the applicant is responsible for providing contours that are representative of the site or the specific areas not accurately represented by the ESD contours. For the Receiving Water Credit, contours must exist for the entire surficial flow path of the water from the site to the receiving water body or privately owned piping. If privately owned piping is part of the conveyance system to the receiving water, the location, size, and material of the pipe must be shown. In addition, the location of both the inlet(s) and outlet(s) must be shown.
 - Land features not visible with contours.
 - Any land feature (i.e. sink or hill) that is not visible on the contours shall be drawn on the map.
 - All drainage divides and flow patterns.
 - This includes all flows affected by ditches and pipe systems. Flow arrows must be shown. Each area on the site must be labeled as "tributary to receiving water" or "tributary to City MS4". For areas tributary to a Receiving Water body, the drainage divides and flow patterns must be shown for the entire path of the water through the site and to the Receiving Water body.
 - Location of stormwater controls/conveyance systems.
 - The location of stormwater controls and conveyances, public and private, including all known surface and subsurface conveyances, structural storm water controls and BMPs, including any secondary or other containment structures, shall be mapped and labeled. All public conveyances utilized, including pipes, ditches, culverts and street stormwater systems, shall be clearly labeled as "public".
 - Roads/streets/alleys – paved and unpaved
 - Inlets/Catch Basins
 - Culverts
 - Channels
 - Curbs
 - BMPs
 - Gutters
 - Other
 - Ditches
 - Outfalls – Including WPDES permitted outfalls that discharge channelized flow to surface water, groundwater, or wetlands (number each for reference)
 - Additional Impervious area.
 - Any impervious area that is not shown on the ESD provided GIS map's aerial photograph shall be added to the map and labeled as "Impervious" (i.e. newly constructed buildings, parking areas, roads, etc.)
 - Contact the Water Resources Program Coordinator at 715-394-0392 or deverak@ci.superior.wi.us to request the GIS map with contours.
-

Submittal Checklist		
Completed Stormwater Utility Credit Application - Application Fee (\$150.00) - Property Owner Information - Property Information - Contact Information - Owner/Representative Certification - ERUs Eligible for Credit - Professional Engineer Certification - License Agreement	Check to indicate inclusion	
Narrative - Site Description - Impervious area description <ul style="list-style-type: none"> • What goes to receiving water • What goes to MS4 - Name and location of receiving waters - Location of activities and materials that have the potential to contaminate storm water - Credit Justification	Check to indicate inclusion	
Plat Map (if needed) - May be available through the Douglas County Register of Deeds.	Included	N/A
Stormwater Mapping - Map(s) containing: <ul style="list-style-type: none"> • ESD provided contours <ul style="list-style-type: none"> ○ Land features not visible with contours • Drainage divides and flow patterns • Location of any stormwater controls/conveyance systems <ul style="list-style-type: none"> ○ Roads/Streets ○ Inlets/Catch Basins ○ Outfalls ○ Curbs ○ Gutters ○ Ditches ○ Culverts ○ BMPs ○ Channels ○ Other • Additional Impervious area not shown on the aerial photograph 	Included	N/A



STORMWATER UTILITY RECEIVING WATER CREDIT APPLICATION

Application Fee \$150

Make checks payable to: City of Superior – Stormwater Credit Application Fee

Property Owner Information (Please print or type)
Owner's Name: _____ (Same as "Owner's Name" on Municipal Stormwater Utility Bill)
Owner's Address: _____ (Same as "Owner's Address" on Municipal Stormwater Utility Bill)
Email Address: _____

Property Information
Property Address/Location: _____
Property size (square feet): _____ Impervious area (square feet) _____
Account Number (from your Stormwater Utility Bill): _____
Parcel Number(s) (from ESD provided map): _____
Briefly describe the basis or reasoning for the credit request: _____ _____

Contact Information
Name: _____
Title: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Cell: _____
Email Address: _____

Owner/Representative Certification
The information within this application is true and correct to the best of my knowledge and belief. I agree to provide updated information should there be any change in the information provided herein. (This form must be signed by the owner or individual with delegated authority to execute instructions for owner.)
Signature _____ Date _____

ERUs eligible for Receiving Water Credit

Total number of ERUs on the property _____

Number of ERUs eligible for RW credits _____

Name of Receiving Water: Lake Superior St. Louis River Pokegama River

Land Surveyor or Professional Engineer Certification

Company Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax _____

Email: _____

Certification: The following certification is required for approval of all credits for which a certified technical submission is required:

The information above and within this application was prepared either by or under the supervision of myself as the qualified professional and is true and correct to the best of my knowledge and belief.

Type or print name Title or Authority

Signature Date

Professional License Type and Number

Phone Number Email:

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "*Agreement*") is made by the applicant named below (together with its successors and assigns, "*Applicant*"), for the benefit of the City of Superior, Wisconsin, a municipal corporation (the "*City*"). Applicant has applied to the City for credits under the City's Stormwater Utility Credit Program (as in effect from time to time, the "*Stormwater Program*"). For good and valuable consideration, Applicant agrees as follows:

1. License. Applicant grants to the City a license to enter upon all or any portion of the real property set forth as "*APPLICANT'S STREET ADDRESS, CITY, STATE & ZIP*" below (the "*Property*"), for the limited purpose of inspecting the Property for compliance with the terms and conditions of the Stormwater Program and the paragraphs that follow. Any such right of entry by the City pursuant to the foregoing license shall be made upon at least 24 hours notice to Applicant, which may be given by telephone or email. The license may be revoked by Applicant only in the manner described below.
2. Creditable Activity. For purposes of this Agreement, the term "*Creditable Activity*" refers to any and all activities undertaken by Applicant on the Property to receive any credit under the Stormwater Program, including, without limitation, site grading, stormwater improvements, best managements practices for stormwater management, or related stormwater runoff managed by Applicant, as well as the construction, installation, condition, repair, maintenance or operation of the same.
3. Compliance. Applicant represents and warrants to the City that all Creditable Activity is, and will remain, in compliance with all Federal, State or local laws, ordinances, codes, rules and regulations, with all local technical or performance standards, and with all related stormwater management plans or programs, as each of them are in effect from time to time and applicable to the Property (collectively, "*Applicable Laws*"). Applicant is charged with knowledge of all Applicable Laws, as well as any changes to Applicable Laws during the period of time during which this instrument is effective.
4. Maintenance. All Creditable Activity shall be and remain privately owned and maintained, and shall not be accepted by the City, and shall not become a part of the maintenance program of the Stormwater Utility or the Public Works Department of the City. All responsibility and liability for maintenance of any Creditable Activity shall be and remain with Applicant.
5. Waiver of Claims. Applicant assumes all risks that may arise in connection with its Creditable Activity. Applicant agrees that the City assumes and bears no liability or responsibility for Applicant's Creditable Activity. Applicant waives any and all claims it may have against the City for its Creditable Activity, for the exercise by the City of its right of entry pursuant to the license granted by Applicant above, or otherwise in connection with the Stormwater Program.

6. Revocation of Credits. This Agreement is being delivered as a prerequisite to Applicant's participation in the Stormwater Utility Credit Program, but confers no rights or interests in such program. Any credits that had been granted to Applicant under the Stormwater Utility Credit Program shall be automatically revoked upon the occurrence of any of the following events: (a) Applicant is in default under any of the terms of this Agreement or the Stormwater Utility Credit Program; or (b) Applicant discontinues any Creditable Activity; or (c) Applicant transfers the Property, as evidenced by an instrument of conveyance recorded in the real property records of Douglas County, Wisconsin, and the new owner fails within 30 days to execute and deliver an agreement containing all of the same terms and conditions of this Agreement. Applicant will not be entitled to restoration of such credits unless Applicant re-applies for the same pursuant to the terms of the Stormwater Utility Credit Program.

7. Revocation of License. Applicant may revoke the license granted above only by written notice to the City by certified mail, return receipt requested, to the attention of the Water Resources Program Coordinator, City of Superior – Environmental Services Division of Public Works, 51 East 1st Street, Superior, WI 54880.

8. General. Any notices required or permitted hereunder shall be sent by certified mail, addressed to Applicant at its address first listed above, and to the City c/o Water Resources Program Coordinator, City of Superior – Environmental Services Division of Public Works, 51 East 1st Street, Superior, WI 54880. If any provision hereof is invalid or unenforceable to any extent, that provision and the remainder of this instrument shall continue in effect and be enforceable to the fullest extent permitted by law.

<i>SIGNATURE OF AUTHORIZED AGENT OR EMPLOYEE OF APPLICANT</i>	<i>PRINTED NAME & TITLE OF AUTHORIZED SIGNATORY (e.g. "John Doe, President")</i>
<i>LEGAL NAME & ENTITY OF APPLICANT (e.g. Doe, Inc., a Wisconsin corporation)</i>	<i>APPLICANT'S STREET ADDRESS, CITY, STATE & ZIP</i>
<i>APPLICANT'S TELEPHONE NUMBER:</i>	<i>DATE OF SIGNATURE</i>