

Resolution No. 11-20

Resolution: To approve amendments to the Sediment Control and Stormwater Management Regulations so as to revise the stormwater as-built requirements for single-family developments.

WHEREAS, the Mayor and Council of Rockville had previously adopted Resolution No. 3-86 approving Sediment Control and Stormwater Management Regulations established by the City's Department of Public Works pursuant to Chapter 19 entitled "Sediment Control and Stormwater Management" to the Rockville City Code; and

WHEREAS, the Mayor and Council adopted Resolution No. 5-91, 15-02, 5-08, 7-10, 21-12, and 9A-19 amending said "Sediment Control and Stormwater Management Regulations" and

WHEREAS, it is necessary to modify the City's Sediment Control and Stormwater Management Regulations adopted by Resolution Nos. 3-86 and amended by Resolution Nos. 5-91, 15-02, 5-08, 7-10, 21-12, and 9A-19 to revise the Stormwater Management As-Built plan certification and submission requirements for single-family development projects of three (3) or less individual single unit detached or semi-detached dwelling units.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that pursuant to Section 19-5 of the Rockville City Code, the attached document entitled "City of Rockville Department of Public Works Sediment Control and Stormwater Management Regulations" is hereby approved and said regulations shall supersede regulations previously approved by Resolution No. 3-86 and modified by Resolutions No. 5-91, 15-02, 5-08, 7-10, 21-12, and 9A-19.

I hereby certify that the foregoing is a true and correct copy
of a resolution adopted by the Mayor and Council at its
meeting of December 7, 2020.



Sara Taylor-Ferrell,
City Clerk/ Director of Council Operations

CITY OF ROCKVILLE
SEDIMENT CONTROL AND STORMWATER MANAGEMENT
REGULATIONS

ARTICLE I. IN GENERAL

A. Purpose and Authority.

Pursuant to the provisions of Sec. 19-5, the Ordinance (Sediment Control and Stormwater Management) of the Rockville City Code, also referred to as the Ordinance, the Environment Article, Title 4, Subtitle 2 (Stormwater Management), Annotated Code of Maryland, 2009 replacement volume, the Code of Maryland Regulations (COMAR) 26.17.01 (Erosion and Sediment Control) and COMAR 26.17.02 (Stormwater Management), the Department issues these Regulations subject to approval by the Mayor and Council.

B. Definitions.

Various terms used in these Regulations are defined in the Ordinance of the Rockville City Code. Any term not so defined will be given its ordinary meaning within the context in which it is used.

ARTICLE II. STORMWATER MANAGEMENT

DIVISION 1. IN GENERAL

A. Scope.

- (1) Except as otherwise provided, the SWM provisions of the Ordinance and these Regulations apply to any Development that:
 - a. Creates or replaces 250 square feet or more of Impervious Area on property other than a Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling lot; or
 - b. Creates or replaces 2,000 square feet or more of Impervious Area on an Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling lot; or
 - c. Involves 5,000 square feet or more of Disturbed Area; or
 - d. Requires Federal or State authorization for alteration of any Floodplain, City Waterway, Stream Buffer, Wetlands or Wetlands buffer.
- (2) Nothing in this Section may be construed to change the scope or applicability of the Erosion and Sediment Control provisions of the Ordinance and these Regulations.

B. Exemptions.

- (1) The SWM provisions of the Ordinance and these Regulations do not apply to the following Development Projects:
 - a. Agricultural land management activities.
 - b. A Development Project that MDE determines will be regulated under specific State laws, which provide for managing Runoff.
 - c. A Development Project that consists solely of excavating a trench in existing paving for replacement, maintenance or construction of utilities.
 - d. Work performed pursuant to an enforcement action taken under the Ordinance or Chapter 23.5, (Water Quality Protection) to correct a violation.
 - e. Maintenance activities on City owned or maintained Impervious Areas for pedestrian, bicycle or vehicular use that do not alter the location, grade, size or purpose of the Impervious Area.

DIVISION 2. STORMWATER MANAGEMENT REQUIREMENTS

A. Required.

- (1) SWM must be provided for all regulated new and replacement Impervious Area in accordance with the Ordinance and these Regulations.
- (2) Any SWM measures that are reliant on geotechnical elements must be designed and certified by a Professional Engineer licensed in the State of Maryland.
- (3) Any SWM measures that are reliant on structural elements must be designed and certified by a Professional Engineer or an Architect, when allowed by the Department, licensed in the State of Maryland.

B. Stormwater Management Systems and Priorities.

- (1) The ESD treatment measures and Structural SWM Systems established in the Ordinance, these Regulations and the Design Manual must be used, either alone or in combination as a SWM System.
- (2) ESD treatment measures and Structural SWM Systems not specifically included in the Design Manual may only be used if they meet the criteria established in the Design Manual and are approved by the MDE and accepted by the Department.
- (3) All Development and Redevelopment Projects must provide SWM according to the minimum criteria established in the Ordinance using the following methods, which are listed below in order of priority:
 - a. On-site ESD treatment measures, preservation of natural resources and Planning Techniques implemented to the Maximum Extent Practicable (MEP); then
 - b. On-site Structural SWM Systems; then
 - c. SWM Alternatives.

C. Calculating the Right-of-Way to be Treated.

- (1) The Impervious Area required to be treated is to be measured within a portion of contiguous Federal, State, Montgomery County and City roads as follows:
 - a. Identify the Right-of-Way that is contiguous to the Development Project regardless of whether the entire Site is being disturbed or not.
 - b. Determine the width of the existing Right-of-Way.
 - c. Determine which is less: one-half of the existing Right-of-Way width or 30 feet.
 - d. Enclose that portion of the Right-of-Way that is defined by the length in step a. and is as wide as the dimension in step c.
 - e. Measure the existing to remain, replacement and/or new Impervious Area within the portion of the Right-of-Way delineated in step d. This is the Impervious Area in the contiguous Right-of-Way to be treated except that:
 - i. When a Redevelopment Project disturbs less than 50 percent of the total Site Area, than the Impervious Area to be treated should be calculated as above but then reduced by a proportional percentage of the total Site disturbed. For instance if only 35 percent of a Redevelopment Project is being disturbed then the Contiguous Right-of-Way Impervious Area to be treated can be reduced to 35 percent.
 - ii. When the Development Project is the construction of a Single Unit Detached Dwelling, Townhouse or a Semi-Detached Dwelling used only as a residence, the Right-of-Way Impervious Area to be treated for lots as defined by Chapter 25 (Zoning) of the Rockville City Code will be measured as follows:
 - (a) Non-corner or cul-de-sac lots – Measure as in steps a. – e.
 - (b) Corner lots – Step a. shall be the side of the lot from which the primary access to the Dwelling is/will be located.
 - (c) Cul-de-sac lots – Step a. shall be the curve at the right-of-Way and the Impervious Area to be treated will be wedge shaped.

D. Design and Construction of Stormwater Management.

- (1) All Pre-Application SWM Concepts, Development SWM Concepts, and SWM Construction Plans must be designed and constructed in conformance with the latest version of MDE's Design Manual, the Ordinance and these Regulations unless otherwise permitted or if subject to grandfathering provisions specified by the State, MDE or the Department.
- (2) At the sole discretion of the Department, a SWM Construction Plan may be submitted that reflects amendments to the approved Development SWM Concept without formal revision of the Concept.
- (3) An existing SWM System will only be considered to count towards meeting a Development and Redevelopment Project's SWM requirement if the existing SWM System was designed to meet the current Standards including ESD to the MEP and only when authorized by the Department.

- (4) For purposes of computing the Pre-Development discharge for Q_{p10} , Q_f and 100-year floodplain the Drainage Area should be assumed to be meadow in good hydrologic condition. If the Drainage Area contains existing forest, then that portion of the Drainage Area can be considered to be forest in good hydrologic condition when computing the discharge. No runoff curve number reductions will be allowed for these computations.
- (5) Velocity dissipation devices must be placed at the Outfalls of all SWM Systems and along the length of any outfall channel as necessary to provide a protected flowpath and Non-erosive Velocity of Runoff from the SWM System to a City Waterway.
- (6) Ponds meeting the applicable conditions of USDA, NRCS Maryland Conservation Practice Standard Pond Code 378-1 must be designed in accordance with said code, and when required, be approved by MDE or the Montgomery Soil Conservation District, as applicable, prior to Department approval.

E. Combined Concepts.

- (1) The Department will allow the combination of the Pre-Application SWM Concept and the Development SWM Concepts for projects that do not require a Pre-Application Meeting under Chapter 25 (Zoning.)
- (2) The Department may allow a combined Pre-Application/Development SWM Concept when it determines, at its sole discretion that it is in the best interest of the City.
- (3) If allowed to be a combined a Pre-Application/Development SWM Concept must be submitted at the earliest stage of development review process.
- (4) The same information must be submitted for the combined Pre-Application/Development SWM Concept as is required for the two separate submittals of the Concepts and both the Pre-Application and Development SWM Concept review fees must be paid at the time of the submission.

F. Environmental Site Design.

- (1) Practices and Techniques
 - a. The following ESD treatment measures and Planning Techniques must be applied according to the Design Manual and any additional Department guidance to satisfy the SWM requirements established in the Ordinance and these Regulations and for the Department to make a determination of ESD to the MEP:
 - i. Preserving and protecting natural resources.
 - ii. Conserving natural drainage patterns.
 - iii. Minimizing Impervious Area.
 - iv. Reducing Runoff
 - v. Using green roofs, permeable pavement, reinforced turf, and other Alternative Surfaces.
 - vi. Limiting soil disturbance, mass grading, and compaction.
 - vii. Clustering Development.
 - viii. Any practices and techniques approved by the Department.
- (2) ESD Treatment Measure Design

- a. Unless otherwise permitted by the Department, the ESD treatment measures contained in Chapter 5 of the Design Manual, as may be amended, must be used to the MEP to satisfy the applicable minimum control requirements established in the Ordinance and these Regulations.
- b. The Department may impose additional and stricter design and/or construction requirements than those in Chapter 5 when it determines, at its sole discretion, that such requirements are warranted.
- c. Unless otherwise directed by the Department, infiltration testing must be performed in accordance with Montgomery County standards.
- d. When soil conditions warrant or when infiltration rates of less than 0.52 inches per hour exist at a Development Project, the Department may impose additional requirements to ensure proper functioning and drainage which may include but are not limited to underdrains, overdrains, pretreatment of Runoff, additional media, subsoil improvements and Drainage Area limitations.
- e. In the case of Stormwater Construction Plans that include a green roof:
 - i. Landscape elements must be designed and certified by a Registered Landscape Architect to the extent permitted by State law.
 - ii. Structural elements, including Building live and dead loads and wind loads must be designed and certified by a Licensed Architect or a Professional Engineer with experience and competency in the field of structural engineering to the extent permitted by State law.

G. Structural Stormwater Management Systems.

- (1) Practices and Techniques - The following types of Structural SWM System facilities may be used, when permitted by the Department and once ESD to the MEP has been provided in strict accordance with the priorities established in the Ordinance. The practices must be designed according to the Design Manual and any additional Department guidance to satisfy the applicable SWM requirements established in the Ordinance and these Regulations. These practices may be used to provide the balance of the Cp_v not provided in ESD practices, Qp_{10} and Q_f .
 - a. SWM Ponds.
 - b. SWM Wetlands.
 - c. SWM Infiltration.
 - d. SWM Filtering Systems.
 - e. SWM Open Channel Systems.
- (2) SWM Quantity Control, when not provided in an ESD treatment measure, may be achieved by either surface or underground Structural SWM Systems as approved by the Department.
- (3) Structural elements of SWM Construction Plans must be designed and certified by a Professional Engineer with experience and competency in the field of structural engineering.

H. Other and Proprietary Stormwater Management Systems.

SWM Systems not specifically included in Sections F and G above, including proprietary systems, can be used to achieve SWM requirements for Development and Redevelopment Projects if they meet the criteria established in the Design Manual and these Regulations and are accepted by the Department.

DIVISION 3. STORMWATER MANAGEMENT ALTERNATIVES

A. Review Considerations for Stormwater Management Alternatives for Developments and Redevelopment Projects.

- (1) The use of SWM Alternatives (Alternatives) in lieu of meeting all or a portion of a Development's Project's SWM requirements will only be permitted after the Department has made a determination that ESD treatment measures and Structural SWM Systems have been utilized to the MEP.
- (2) Authorization to use Alternatives is at the sole discretion of the Department and requests to utilize them will be considered on a case-by-case basis.
- (3) When reviewing a request to use Alternatives the Department will consider:
 - a. Potential for damage due to flooding and/or Runoff.
 - b. Safe collection and conveyance of Runoff.
 - c. Fiscal impacts to the City.
 - d. Effectiveness.
 - e. Safety.
 - f. Maintenance.
 - g. The cumulative effects of all Alternatives within a Watershed.
 - h. Impacts to natural resources and the environment.
 - i. Impacts to City Waterways.
 - j. Considerations may also include a determination that:
 - i. An existing Regional SWM System provides required SWM for the Development Project. In these cases the Applicant will be required to demonstrate Safe Conveyance of Runoff to the Regional SWM System or may be required to upgrade existing Storm Drainage Systems to achieve Safe Conveyance.
 - ii. The location, configuration and layout of a Development Project make On-site SWM infeasible.
 - iii. A Site's specific characteristics including natural resources, topography, soils, infiltration rates and vertical constraints make the use of ESD treatment measures and/or Structural SWM Systems infeasible.
 - iv. Other circumstances exist that prevent the reasonable implementation of On-site ESD treatment measures and/or Structural SWM Systems.

- (4) Requests to make a monetary contribution as an Alternative must include a justification explaining the reason for the request including why On-site SWM is not feasible or practical, when applicable. The use of monetary contribution may be proposed with an Applicant's Pre-Application SWM Concept submission but is not considered approved until approved by the Department with the Development SWM Concept.

B. Design, Approval and Permitting of Alternatives.

- (1) The design, approval and permitting of any Alternatives must be in accordance with the applicable Standards for SWM Systems and Storm Drainage Systems.
- (2) Watershed Improvements, when approved as an Alternative, must be designed to stabilize channel erosion, maintain and convey base and storm flow, and protect or enhance aquatic habitat using techniques acceptable to the Department. Natural stream channel design and bio-engineering methods are required wherever feasible.

C. Monetary Contribution as an Alternative.

- (1) In General
 - a. An estimate of the monetary contribution shall be calculated by the Applicant and included with a Development SWM Concept submission.
 - b. If the Applicant is proposing a monetary contribution to meet both On-site and Right-of-Way SWM requirements, the two estimates shall be calculated separately. In addition, separate estimates must be included for each of the specific SWM requirements that are requested (Cpv, WQv and/or Qp10.)
 - c. Final monetary contributions amounts to be paid will be calculated by the Applicant and approved by the Department based on the Approved Plans at final engineering utilizing the schedule of rates for SWM monetary contributions that are in affect at the time of Permit issuance.
 - d. The per acre rate for Water Quality Volume (WQv) includes the Recharge Volume. The Recharge Volume, even if it is provided in an On-site SWM System, will not be separated or credited for purposes of determining the monetary contribution.
 - e. If On-Site SWM or Developer participation in a Regional SWM System or a Watershed Improvement is required, no credit will be given for previously paid SWM monetary contributions.
 - f. Nothing requires the Department to accept a monetary contribution in lieu of an On-site SWM System if it would not be in the best interest of the City.
 - g. The schedule of rates for SWM monetary contribution is set by separate resolution of the Mayor and Council, and is subject to revision by the Mayor and Council.
 - h. Nothing in the Ordinance or these Regulations requires the Department to accept a monetary contribution merely because one or more monetary contributions were previously accepted for the area.
- (2) Calculations

- a. When the Department has approved the use of a monetary contribution for specific SWM requirements for all or portions of a Development Project the contribution to be paid will be the summation of the following computations, where applicable:
 - i. The contribution for Channel Protection Volume (C_{pv}) shall be calculated as:
 - (a) Impervious Area (in acres rounded to the nearest hundredth) X per acre C_{pv} rate in affect at the time of Permit issuance.
 - ii. The contribution for **full** Water Quality Volume (WQ_v) shall be calculated as:
 - (a) Impervious Area (in acres rounded to the nearest hundredth) X per acre WQ_v rate in affect at the time of Permit issuance.
 - iii. The contribution for **partial** Water Quality Volume (WQ_v) shall be calculated as:
 - (a) Impervious Area (in acres rounded to the nearest hundredth) X one-half (1/2) per acre WQ_v rate in affect at the time of Permit issuance.
 - iv. The contribution for Overbank Flood Protection Volume (Q_{p10}) shall be calculated as:
 - (a) Impervious Area (in acres rounded to the nearest hundredth) X per acre Q_{p10} rate in affect at the time of Permit issuance.
 - b. The total monetary contribution for a Development Project will be the summation of all individual C_{pv} , full or partial WQ_v and Q_{p10} contributions for On-site and adjacent Rights-of-Way.
- (3) Cost of On-site SWM Systems versus Monetary Contributions
- a. In some circumstances, such as for environmental protection or due to technical constraints, the Department may specifically allow or may specifically require an Applicant to make a monetary contribution in lieu of constructing an otherwise acceptable On-site SWM System.
 - b. In such instances, the Department cannot require the Applicant to pay a contribution that exceeds the cost of providing an acceptable On-site SWM System. Where the Applicant can provide evidence acceptable to the Department that an On-site SWM System (including the cost of the land and a maintenance escrow fund equaling the cost of construction) can be provided at a lower cost than the monetary contribution, the Department will adjust the contribution to be no greater than the Applicant's estimated On-site SWM System costs.
 - c. An Applicant may also be eligible for a reduction in the monetary contribution for constructing off-site Storm Drain System improvements per the Flood Control and Safe Conveyance section of these Regulations.
 - d. None of the foregoing, however, prevents the City from accepting a voluntary monetary contribution that exceeds the cost of an On-site SWM System.
- (4) Developer Project's Use of Private Off-Site SWM System

- a. In cases where all or some of a Development Project's SWM requirement is met in a Private Off-site SWM System, then the Developer will not be required to pay the corresponding monetary contribution if the Developer and the Owner of the Private Off-site SWM System enter into an agreement that provides for long term inspection and maintenance of the System. The agreement must encumber both the Development Project property and the property where the SWM system is located and must obligate both property Owners to maintain the SWM System, jointly and severally and ensure that access for maintenance by either property Owner is provided in perpetuity. Said Agreement must be recorded in the land records of Montgomery County and evidence provided to the Department prior to Permit issuance. The Developer will be required to demonstrate, to the satisfaction of the Department, that SWM requirements are met for the proposed Development Project as part of the Pre-Application and Development SWM Concept approval process.

DIVISION 4. STORMWATER MANAGEMENT PLANS, PERMITS AND APPROVALS

A. Plans.

(1) In General

- a. All submissions under this provision must contain sufficient information for the Department to:
 - i. Evaluate the environmental characteristic of the Site.
 - ii. Assess the potential impacts of the proposed Development Project on natural resources and City Waterways.
 - iii. Ensure the coordination of ESD practices with erosion and sediment control measures to minimize soil erosion and transport of sediment to off-site properties.
 - iv. Ensure that ESD to the MEP requirements have been met.
 - v. Demonstrate effectiveness of the use of Structural SWM Systems and/or Alternatives.
 - vi. Analyze the requirements to adequately address potential flooding and Safe Conveyance of Runoff.

(2) Requirements

- a. A Pre-Application SWM Concept, Development SWM Concept, and/or Combined SWM Concept is not required for an application of three (3) or less individual Single Unit Detached or Semi-Detached Dwellings. A SWM Construction Plan and SWM Permit will still be required.
- b. A Pre-Application SWM Concept will not be approved until the NRI/FSD is approved, when one is required.
- c. Pre-Application SWM Concept approval is required before an Applicant can submit a Development SWM Concept or a SWM Permit Application, unless otherwise authorized by the Department.

- d. Pre-Application SWM Concepts submissions can only be combined with Development SWM submissions if the project meets the provisions of the Ordinance.
 - e. A combined Pre-Application/Development SWM Concept cannot be submitted until the NRI/FSD is approved, when one is required.
 - f. A Site Plan cannot be submitted until the Pre-Application SWM Concept is approved unless the Development Project is proceeding under the combined approval process in the Ordinance.
 - g. A Development SWM Concept will not be approved until the Preliminary Forest Conservation Plan is approved, when one is required.
 - h. A Development SWM Concept will not be approved until Safe Conveyance Study, when required, is approved.
 - i. A Site Plan and/or Preliminary Subdivision Plan will not be approved until the Development SWM Concept is approved.
 - j. A Special Exception or Project Plan will not be approved until a Pre-Application SWM Concept is approved.
 - k. A SWM Construction Plan cannot be submitted until the corresponding Site Plan is approved, unless otherwise permitted by the Department and at the Applicant's sole risk and liability.
 - l. A SWM Construction Plan will not be approved until the corresponding Storm Drainage System Plan that provides Safe Conveyance is approved, when one is required as a condition of the Development SWM Concept approval.
 - m. A SWM Construction Plan will not be approved until the corresponding Signature Set Site Plan is approved, unless otherwise allowed by the Department.
 - n. A SWM Permit will not be issued until the corresponding Storm Drainage System Plan that provides Safe Conveyance, when one is required, is approved and the corresponding Public Works Permit is issued.
 - o. A SWM Permit will not be issued until the monetary contribution, if applicable, has been paid.
 - p. A building permit will not be issued until the corresponding Sediment Control and SWM Permits are issued.
 - q. A permit that creates or replaces any Impervious Area that is subject to the Ordinance and Regulations will not be issued until the corresponding Sediment Control and SWM Permits are issued.
 - r. No part of a SWM System or Watershed Improvement can be constructed until the corresponding Sediment Control and SWM Permits are issued.
- (3) Required Notifications and Off-site Easements
- a. Notifications
 - i. An Applicant must provide written notification to adjacent and downstream property owners, HOA's and civic associations of any Pre-Application SWM Concept submittal. The notification must be in accordance with Department guidance. Evidence of the notification must be provided to the Department before the Pre-Application/Development SWM Concept can be approved.
 - ii. The Department may, at its sole discretion, require the Applicant to provide subsequent notifications such as at the Development SWM Concept stage.
 - b. Easements

- i. Except in the case of individual Single Unit Detached, Townhouse or Semi-Detached Units, it is the Applicant's sole responsibility to obtain all required permissions, agreements and Easements from any affected property Owner in cases where the SWM or Storm Drainage System from a proposed Development Project:
 - (a) Increases the amount of Runoff draining to another property during the 10-year Post Development storm.
 - (b) Directs concentrated Runoff of any amount to another property where such flow of Runoff did not previously exist
 - (c) Requires the construction, including grading, on another property of any portion of the System.
- ii. In the case of individual Single Unit Detached, Townhouse or Semi-Detached Units, the Department may require the Applicant to obtain permissions, agreements and Easements from any affected property Owner in cases where the SWM or Storm Drainage System from a proposed Development Project:
 - (a) Increases the amount of Runoff draining to another property during the 10-year Post Development storm.
 - (b) Directs concentrated Runoff of any amount to another property where such flow of Runoff did not previously exist
 - (c) Requires the construction, including grading, on another property of any portion of the System.
- iii. In all cases the Department may require the Applicant to enter into a Hold Harmless Agreement releasing the City from all liability.

B. Contents of the Three Phases of Stormwater Management Plans.

- (1) Submissions - At a minimum an Applicant's plan submission must include:
 - a. A transmittal explaining the purpose of the submission.
 - b. A completed and executed application form.
 - c. Applicable fees.
 - d. A completed and signed design review checklist.
- (2) Pre-Application SWM Concept
 - a. A Pre-Application SWM Concept submission must be submitted at the earliest stage in the City's development review process. The Concept will be reviewed by the Department for compliance with the Ordinance and these Regulations. Unless otherwise directed by the Department, the submission package must contain, at a minimum, the following:
 - i. A copy of the approved NRI/FSD. The NRI/FSD must be approved prior to Department approval of the Concept
 - ii. A copy of the corresponding plan submitted to CPDS for the Development Project
 - iii. Two copies of the Pre-Application SWM Concept Plan
 - iv. One copy of the Forestry – SWM Overlay Plan
 - v. Two copies of the On-Site Drainage Area Map. In lieu of a separate plan, the drainage divides, areas and sizes can be shown on the Pre-Application SWM Concept Plan

- vi. Two copies of the Off-Site Drainage Area Map
 - vii. One copy of the adjacent and downstream notification list
 - viii. Two copies of the Pre-Application SWM Concept Report
 - ix. One copy of the Geotechnical Report with borings and testing as required by the Department
 - x. Any other materials the Department deems necessary.
- b. The level of detail provided with the Pre-Application SWM Concept submission should be consistent with the level of detail on the corresponding CPDS plan submission.
- (3) Development Stormwater Management Concept
- a. Following Pre-Application SWM Concept approval, the Applicant must submit a Development SWM Concept that addresses comments and conditions received with the first Concept approval. The Concept will be reviewed by the Department for compliance with the Ordinance and these Regulations. Unless otherwise directed by the Department, the submission package must contain, at a minimum, the following:
 - i. All information required to be provided in Section 2.a-c above.
 - ii. A copy of the Pre-Application SWM Concept approval letter.
 - iii. If required as a condition of Pre-Application SWM Concept, the Applicant must also submit a Safe Conveyance Study that demonstrates the impact of the Development Project's Runoff from the ten-year storm on the existing system to a point or points as determined by the Department. Division 6. (Flood Control and Safe Conveyance) establishes the requirements for Safe Conveyance.
 - iv. A copy of the Preliminary Forest Conservation Plan. The Preliminary Forest Conservation Plan must be approved prior to Department approval of the Development SWM Concept.
 - v. Supplemental or additional soil borings and other required geotechnical information.
 - vi. A Preliminary Erosion and Sediment Control Plan.
 - vii. Calculation of the estimated Monetary Contribution, if applicable.
 - viii. Any other material the Department may require.
 - b. The level of detail provided with the Development SWM Concept submission should be consistent with the level of detail on the corresponding CPDS plan submission.
- (4) SWM Construction Plans. The SWM Construction Plans will be reviewed by the Department for compliance with the approved Concepts, the Ordinance and these Regulations. At a minimum the SWM Construction Plan submission must contain the following:
- a. A vicinity map with north arrow, scale, Site location and other information necessary to easily locate the property.
 - b. The name, address, telephone number, email and contact name of the Property Owner.
 - c. The name, address, telephone number, email and contact name of the Applicant, if different than the Owner.
 - d. The Site boundary delineated with bearings and distances.

- e. Adjacent Rights-of-Way shown and labeled with street name and width.
- f. Existing topography at a minimum 2-foot contour interval.
- g. Existing Site features and improvements shown and labeled, indicating to remain, to be removed, to be replaced or to be abandoned in place.
- h. Existing Easements shown and labeled.
- i. The location and description of all natural resources per the City's Environmental Guidelines and Chapter 10.5 (Forest and Tree Preservation) including any individual trees with a Diameter Breast Height (DBH) of six inches or greater on the Site within 20 feet of the Limits of Disturbance.
- j. The location of Steep Slopes.
- k. The location of Highly Erodible Soils.
- l. The location and types of Soils on the Site including the Hydrologic Soil Group per the USDA NRCS.
- m. The location of 100 year Floodplains, Stream Buffers, Wetlands and Wetlands buffers.
- n. A title block on each sheet with the project name, plan type, legal property description, election district and scale between 1" = 10' and 1" = 50', or as directed by the Department.
- o. North arrow and datum on each plan view sheet.
- p. Two benchmarks per plan view sheet with locations, descriptions and horizontal and vertical information.
- q. Proposed Development Project improvements shown and labeled.
- r. Proposed SWM System shown and labeled.
- s. Data for Total Area, Disturbed Area, new Impervious Area, replacement Impervious Area, and total Impervious Area for the Site and for the Rights-of-Way separately.
- t. Monetary contribution computations based on the final engineering plans.
- u. Proposed Storm Drainage System shown and labeled.
- v. Proposed Grading at a minimum 2-foot contour interval.
- w. Spot elevations sufficient to support drainage patterns.
- x. Interim Grading where project is sequenced or as applicable.
- y. Limits of Disturbance delineated and labeled.
- z. Existing and proposed drainage divides and Drainage Areas to the Site and to each SWM measure.
- aa. Initial, interim and final phasing identified and delineated.
- bb. Legend.
- cc. Proposed temporary and permanent Easements, permission and dedications shown and labeled;
- dd. Department Notes including General Notes, SWM Structure Notes (if applicable) and Geotechnical Notes.
- ee. Miss Utility Note and City Utility Notes.
- ff. Design of velocity dissipation devices and computations at all Outfalls to support a Non-erosive Velocity for the ten-year Post Development Condition storm event, including flow rates, flowing full and actual velocities in all Outfall pipes, and velocity through the dissipating device.

- gg. Required construction elements including location, type and size for all proposed SWM System features.
- hh. Provisions for construction staging and storage of materials.
- ii. Non-standard or Site specific details, where approval of modifications to Standards is proposed.
- jj. Proposed Drainage Areas to and within the Site and to ESD treatment measure and Structural SWM facility delineated with areas shown in acres.
- kk. Computations, construction details and specifications necessary to support the ESD treatment measures and the Structural SWM facilities.
- ll. Structural and construction details and specifications prepared and certified in accordance with the Ordinance for all components of the proposed drainage system or systems, SWM Systems, and/or Watershed Improvements.
- mm. A maintenance plan for the life of the SWM System stating the maintenance to be completed, the time period for completion, and who shall perform the maintenance.
- nn. A construction inspection check-off table for each SWM facility.
- oo. Certification by the Owner/Developer that all construction will be done according to the Approved Plan.
- pp. All necessary dam breach analyses, pond embankment classifications, and developed 100-year Floodplain analyses.
- qq. All soil boring logs and locations including infiltration testing results when required.
- rr. All City standard and project details, notes, specifications, and information relevant to each SWM System.
- ss. A landscape plan, coordinated with the Forest Conservation Plan, where appropriate, in conformance with City Standards, prepared and certified in accordance with the Ordinance to include:
 - i. A list of plant species, sizes, planting details, quantities and their locations to be used for SWM System or Watershed Improvement planting;
 - ii. Information must clarify which plantings are to be approved, permitted and bonded by the SWM permit versus the Forestry permit.
- tt. Other plans, drawings, materials, or information as may be required by the Department which may include:
 - i. Engineering plans as may be required for Safe Conveyance if required by the Development SWM Concept Approval. A SWM Construction Plan will not be approved until the corresponding Storm Drainage System Plan that provides Safe Conveyance is approved, when one is required as a condition of the Development SWM Concept approval.
 - ii. Deeds where facilities are to be deeded to the Mayor and Council.

C. As-Built Stormwater Management Plans and Approvals.

(1) As-Built Plans

- a. When construction is complete, the Applicant must submit as-built plans and computations for approval prior to release of the SWM Permit and corresponding security.

- b. As-built plans must include an executed as-built certificate with language provided by the Department, except as provided in subsection i. below, and must be sealed by either a Professional Engineer or Professional Land Surveyor.
 - i. For development projects of three (3) or less individual single unit detached or semi-detached dwelling units, each ESD planning technique and practice shall be inspected and documented by either a Professional Engineer, Professional Land Surveyor, or the City upon completion of final grading, establishment of permanent stabilization, and before issuance of use and occupancy approval. As-built plans for such development projects must be sealed by either a Professional Engineer or a Professional Land Surveyor, or they must be co-signed by the Owner/Developer and the City Construction Inspector.
- c. At a minimum, the as-built submission must include drawings and computations, where applicable, comparing the approved SWM Construction Plan with what was constructed and noting any approved revisions and *any* deviations.
 - i. The submission must also include recorded copies of all Easements, agreements and declarations of covenants required for the project.
 - ii. Where applicable, the as-built plan must also include an as-built of the landscape material comparing the plantings on the approved SWM Construction Plan with what was constructed and noting any approved revisions and any deviations or substitutions to plantings types, size and/or location.
 - iii. The Department may require any additional information as necessary to assess and ensure compliance with the Approved Plans.
- d. Once approved, the Applicant must provide the Department with mylar copies of the as-built drawings and an electronic version in a format acceptable to the Department for use with the Geographic Information System database.

D. Stormwater Management Approval for Project Plan or Multi-Phase Development Projects.

- (1) In addition to the requirements of Division 4 A. (2) above, as applicable, all Development Projects that propose to build in Phases are subject to the following requirements.
 - a. A Pre-Application SWM Concept that comprehensively provides for all Phases of the Development must be submitted at the earliest stage of the City's development review process.
 - b. Both a Pre-Application and Development SWM Concept for a multi-phase Development may be implemented over the life of the project through issuance of SWM Permits, provided that said Permits meet SWM Standards in effect at time of permit issuance.
 - i. Unless otherwise directed by the Department, each subsequent Phase of a multi-Phase Development must, at a minimum, obtain approvals at the Development SWM Concept, SWM Construction Plan and SWM Permit stages.

- c. A SWM Permit must be approved and the SWM Systems constructed for each Phase prior to or in conjunction with construction of that Phase. SWM Systems may be constructed prior to construction of imperviousness in later Phases, but may be subject to later modifications, upgrades, revisions, or Retrofits to address updates to SWM requirements.

E. Required Easements, Agreements and Declarations of Covenants.

- (1) As required by the Ordinance and Design Manual, all SWM Systems must be protected by a document that requires long term inspection, maintenance and protection.
- (2) The documents must be executed by the property Owner and any other parties with an interest in the property must consent to the documents in a manner acceptable to the City Attorney.
- (3) The Department and the City Attorney will provide guidance for required documentation and will review and approve documents prior to recordation and SWM Permit issuance.
- (4) All documents must be prepared at the Applicant's expense.
- (5) Unless as otherwise permitted by the Department, the following document types will satisfy the requirements of the Ordinance and the Design Manual.
 - i. For Structural SWM Systems:
 - (a) Stormwater Management Easement and Stormwater Management Inspection and Maintenance Agreement with all requirements as detailed in the Ordinance to be delineated with metes and bounds sketch and description over and around each facilities with adequate dimensions to allow inspection and maintenance. Access to each facility from a public Right-of-Way must be provided in accordance with the Ordinance.
 - ii. For ESD Measures on Non-Single Unit Detached Dwellings:
 - (a) These measures must be protected by the document referenced in E.4.i.(a) but the delineation of the measures can be as described in iii.a.(i)-(v) below.
 - iii. For ESD measures on individual Single Unit Detached and Semi- Detached Dwellings:
 - (a) Declaration of Covenants for Construction, Inspection and Maintenance of Stormwater Management Systems on A Single Unit Detached Dwelling Lot (or Semidetached Dwelling Lot) to be placed over the entire lot with an accompanying sketch showing at a minimum:
 - (i) The outline of the lot with legal description and address.
 - (ii) The adjacent public Right-of-Way delineated with street name.
 - (iii)The proposed improvements including the building(s) and all paved areas.
 - (iv)Each proposed ESD treatment measures shown and labeled with the measures, length and square footage if applicable.
 - (v) Drawing is to be to scale with scale and north arrow shown.

F. Stormwater Management Permit.

- (1) A Stormwater Management Permit is required prior to the commencement of construction of a SWM System.
- (2) Before the Department will issue a SWM Permit the Applicant must provide, at a minimum, the following information for use by the Department:
 - a. A copy of the Approved SWM Construction Plan.
 - b. An itemized estimate of the type, quantity, and cost of materials required for SWM measures, (including installation, maintenance and removal) and Stabilization (on 8 ½ x 11 sheets). The estimate must utilize standard pricing for estimating as developed by the Department. In cases where standard pricing is not available from the Department a cost from a reliable source can be utilized. The estimate should not include a contingency and the total should be rounded up to the nearest one hundred dollars.
 - c. Copies of all Easements, permissions and/or dedications required to implement the SWM Construction Plan. Documents must be recorded in the land records of Montgomery County prior to Permit issuance when required.
 - d. A performance bond, letter of credit or other security in a manner acceptable to the Department and the City Attorney. The security should only be submitted once the Department has approved the amount.
 - e. A copy of all other required State and local permits including those for work in the Wetlands, Wetland buffers, waterways or Floodplains.
 - f. Monetary contribution based on the schedule of rates in effect at the time of SWM Permit Issuance.
 - g. Maintenance Plans.
 - h. Recorded Record Plat (if applicable.)
 - i. Any other information required by the City.
- (3) At the discretion of the Department, a SWM Permit application may be submitted that reflects amendments to the approved SWM Concept without formal revision of the Concept.

G. Expiration and Renewal of Stormwater Management Approvals.

- (1) Approval of Development SWM Concepts will expire upon the expiration of the Development Project's Site Plans under Chapter 25 (Zoning) of the Rockville City Code.
- (2) Approval of SWM Construction Plans will expire six months after the plan approval date if the corresponding Permit has not been issued within that period. No SWM Permit will be issued if the corresponding plans have expired.
- (3) All SWM submittals that have not received approval and are under review by the Department may be required to address additional comments including but not limited to any new Department policy, guidance or Standard that becomes effective during the review period.
- (4) If a SWM Permit is not issued within six months of the SWM Construction Plan approval, then the Department may require the Applicant to update the plans to meet current State and City Standards as the Department deems necessary.

- (5) In order to request the renewal of an expired SWM Construction Plan, the Applicant must submit to the Department:
 - a. A copy of the previously approved, but expired SWM Construction Plan.
 - b. A transmittal including an explanation of why the SWM Permit has not been issued.
 - c. A copy of the valid corresponding CPDS plan.
 - d. The minimum SWM Plan review fee in affect at the time of the request.
- (6) When a request to renew a previously approved but expired SWM Plan is received, the Department will:
 - a. Review the submission and inform the Applicant of any required revisions.
 - b. Determine if additional fees are required.
 - c. Determine if a change to the established security amount is needed.
- (7) Once all conditions of the renewal are satisfied to the satisfaction of the Department, the Director will renew the approval by signing the plan and establishing a new approval date. Renewed approvals will be valid for six (6) months.

H. Revisions to Approved Plans and Permits.

- (1) The Applicant can request a revision to an approved SWM Construction Plan or a SWM Permit utilizing Department guidance. Unless otherwise permitted by the Department, the submission must include:
 - a. A transmittal including a statement about the purpose of the revision and a summary of what is being revised.
 - b. An application highlighting any changes to the original application information including increases or reductions of any quantities, measurements or costs. The Department will use this information to determine compliance with the Ordinance and these Regulations and/or to establish fees or security amounts;
 - c. Required fees.
 - d. Revised plans, computations and details, as applicable.
- (2) Plans will be revised according to the following guidance, as may be amended by the Department:
 - a. All design information that is being removed or revised is to be clearly crossed off. The new design will be shown and all revisions regardless of whether they are deletions, revisions, or additions will be encircled for clear identification.
 - b. The Applicant's qualified preparer will be required to recertify the design and computations associated with all revisions by initialing and dating the revision box.
- (3) The Department will review the submission and:
 - a. Provide comments to the Applicant that must be addressed prior to Department approval.
 - b. Determine if additional fees are due from the Applicant.
 - c. Determine if revisions to the Permit conditions are required.
 - d. Determine if revised or replacement security is required from the Applicant.
 - e. Determine if other items such as Easements or agreements are required from the Applicant.

- (4) The Applicant will be required to obtain all required approvals for the revision from other City Departments and/or required Federal, State or County agencies.
- (5) No revised plan or Permit will be considered to be approved until the Applicant has satisfied all Department requirements and the Director has signed the revision.
- (6) No Land Disturbing Activity or Development that is a reliant upon the revision can commence until so authorized by the Department by the approval of the revised SWM Construction Plan and/or Permit.

DIVISION 5. RESPONSIBILITES DURING CONSTRUCTION

A. In General.

- (1) Inspection and enforcement of conditions of the SWM Permit will be the responsibility of the Department.
- (2) The Department will inspect every active Development Project with a SWM Permit for compliance with the Approved Plans and Permit conditions as required by the inspector checklist or as necessary.
- (3) It is the Applicant's sole responsibility to notify the Department of required inspections in accordance with Approved Plan and Permit conditions. Failure to do so may result in the Applicant being required to remove and replace measures that were not inspected at their sole expense.
- (4) The Department will notify the Responsible Personnel, Owner/Developer and/or the Applicant in writing when deviations from the Approved Plans or Permit conditions are observed. The Department is not obligated to notify all parties and the notified party is responsible for all other notifications. Deviation from the Approved Plans or Permit conditions is not permitted and may require a revision in accordance with provisions in these Regulations.
- (5) The issuance of a SWM Permit and the inspection of the Site by the Department do not relieve the Applicant of the continuing responsibility to effectively provide erosion and sediment control, properly installing SWM measures and maintaining such measures in good working order. The Department, or a Person approved by the Department, shall inspect each SWM System under construction as needed to certify the system's compliance with Approved Plans. The inspector shall conduct each inspection as provided in an inspection checklist that the Department has approved for each type of SWM System. The inspector must prepare a written inspection report that includes the following information:
 - a. The date and location of the inspection.
 - b. Whether construction complied with the approved SWM Construction Plan and Permit conditions.
 - c. Any variation from approved construction standards specifications and any action the Applicant must take to address the variation.
 - d. Any violations of law or regulations that the Department observes.
- (6) The Department shall notify the Applicant in writing if the inspector observes any violations of this Article during the inspection. The written notice shall describe the nature of the violation and prescribe any corrective action needed.

B. Responsibilities of the Applicant.

- (1) An Applicant who has received a SWM Permit from the Department must:
 - a. Maintain at the Site the approved SWM Construction Plan, the SWM Permit and copies of any other issued permits affecting SWM, if applicable.
 - b. Obtain, schedule and keep records of all SWM System measure inspections, materials, certifications and reports as required by the Department.
 - c. Notify the Department's inspection staff at least 48 hours before commencing any work in conjunction with the SWM Permit and upon completion of the project when a final inspection will be conducted.
 - d. Conduct periodic inspections during construction of SWM Systems to ensure compliance with the Approved Plans and Permits.
 - e. Take all necessary measures to protect installed SWM Systems from damage and sediment so as not to affect their future effectiveness.
 - f. Remediate any damage done to existing SWM Systems as a result of Development Project construction activities.
 - g. At a minimum, conduct a pre-construction meeting prior to the installation of each individual SWM System measure and a meeting at the conclusion of the installation. The Applicant must provide the Department inspector with a copy of:
 - i. All material delivery tickets.
 - ii. Geotechnical and material test results.
 - iii. Surveying verification of structures, pipes, and dimensions.
 - iv. Soil amendments.
 - v. Executed inspection checklists.
 - vi. Any other information required by Department.

C. Required Inspections.

At a minimum, inspections shall be made and documented at the following specified stages of construction:

- (1) For ESD measures
 - a. Inspections shall be made as required by the Department.
- (2) For Structural SWM measures
 - a. For Ponds:
 - i. Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - ii. Core trenches for structural embankments.
 - iii. Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes.
 - iv. Trenches for enclosed storm drainage facilities.
 - v. During placement of structural fill, concrete, and installation of piping and catch basins.
 - vi. During backfill of foundations and trenches.
 - vii. During embankment construction.

- viii. Upon completion of final grading.
- (3) For Constructed Wetlands:
 - a. At the stages specified for Ponds as noted above and as applicable.
 - b. During and at the completion of final grading to verify accurate spot elevations in basin for correct water depth.
- (4) For Infiltration or Filtering Systems:
 - a. During excavation to subgrade.
 - b. After delivery of construction materials, and prior to their installation.
 - c. During placement and backfill of underdrain systems and observation wells.
 - d. During placement of geotextiles and all filter media.
 - e. During construction of appurtenant Conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures.
 - f. Upon completion of final grading.
 - g. At the stages specified for Ponds as noted above and as applicable, if constructing an infiltration basin, surface sand filter or other facility with a dam.
- (5) For Open Channel Systems:
 - a. During excavation to subgrade.
 - b. During placement and backfill of underdrain systems for dry swales.
 - c. During installation of diaphragms, check dams, weirs, or other structural components.
 - d. Upon completion of final grading.
- (6) For Stream Restoration Projects:
 - a. Upon stakeout of stream improvement locations and limits of disturbance.
 - b. After delivery of construction materials and prior to their installation.
 - c. During grading and installation of each restoration feature.
 - d. Upon completion of construction and installation of landscaping.
- (7) For all other Structural SWM devices, inspections shall be made as required by the Department. The Department may also require inspection of proprietary SWM devices by the manufacturer's representative.

DIVISION 6. MAINTENANCE AND INSPECTION AFTER CONSTRUCTION

A. Owner's Requirement to Maintain.

Unless otherwise permitted by the Department and established by recorded documents, it is the Owner's sole responsibility to maintain all SWM Systems in accordance with the Ordinance and any subsequent Easements, agreements and/or declaration of covenants.

B. Owner's Requirement to Inspect.

Unless otherwise permitted by the Department and established by recorded documents, it is the Owner's sole responsibility to inspect all SWM Systems in accordance with the Ordinance and any subsequent Easements, agreements and/or declaration of covenants.

C. Owner's Requirement to Inspect Landscaping.

- (1) For all SWM Systems with a landscaping element, inspections are required during and after installation of landscaping and establishment of permanent Stabilization and at least once during each growing season for two years after planting to verify a vegetation survival rate of at least 75 percent for all vegetation and a survival rate of 100 percent for all trees.
- (2) The Owner must identify, eradicate and remove noxious and invasive plant species within any SWM Easement as identified in the Regulations and required by Chapter 10.5 (Forest and Tree Preservation) of the Code.

DIVISION 7. FLOOD CONTROL AND SAFE CONVEYANCE.

A. Overbank Flood Protection Volume (Q_{p10}) and Flood Control.

- (1) Development Projects must not create or exacerbate flooding conditions or Erosion in a Storm Drainage System or City Waterway during the 10-year storm event.
- (2) Management of the Overbank Flood Protection Volume (Q_{p10}) in an On-site SWM System is required for all Development or Redevelopment Projects unless otherwise allowed by the Department.
- (3) The Department may, on a case-by-case basis, consider the use of Alternatives in lieu of On-site SWM Systems to manage the Q_{p10} .
- (4) Where a proposed Development Project utilizes is allowed to utilize an Alternative in lieu of On-site Q_{p10} control than the Applicant will be required provide Safe Conveyance and collection in accordance with the Ordinance and the Safe Conveyance Section of these Regulations.
- (5) ESD treatment measures cannot be utilized to reduce the Q_{p10} control requirement.

B. Safe Collection and Conveyance.

- (1) Safe Conveyance Studies
 - a. In cases where Q_{p10} is not provided on-site, an Applicant must conduct a Hydrologic and Hydraulic Safe Conveyance Study for any portion of the Development Project that is not managed by an On-site SWM System.
 - b. The Study shall be conducted at all study points as determined by the Department, typically in conjunction with conditions of the Pre-Application SWM Concept approval.
 - c. At a minimum, the Safe Conveyance Study must analyze the impact of the proposed Development Project on Storm Drainage Systems and City Waterways during the 10-year storm event. The study should:
 - i. Utilize methodology in the Montgomery County Storm Drain Criteria, as may be amended, for generation of flow rates (Rational Method) and impacts to existing systems including determination and delineation of the hydraulic grade in pipes and structures and outflow velocities.

- ii. Utilize a flow rate that is computed using Existing Condition for drainage areas upstream and downstream of the Development Project and Post Development Condition for the project area.
- d. In cases where a Development Project proposes a direct connection of an On-site Private Storm Drainage System to a system owned and maintained by the Maryland State Highway Administration (MSHA), the Department will not require a Safe Conveyance study, if one is performed for and required by MSHA.
- e. The Department will review an Applicant's Safe Conveyance Study and make a determination of adequacy or inadequacy and inform the Applicant of its findings.
- f. If the Storm Drainage System is determined by the Department to be inadequate than:
 - i. The Applicant can provide on-site Q_{p10} control. Revisions to previous SWM Concept approvals may be required; or
 - ii. Design and/or construct off-site Storm Drain System improvements to mitigate the deficiencies utilizing a flow rate for the Ultimate Condition of the Drainage Area to the Storm Drainage System.
- g. The Department may at its sole discretion modify these requirements for individual Single Unit Detached, townhouse and Semi-Detached Dwelling Units.

C. Impact on Monetary Contribution of Safe Conveyance Findings.

- (1) Monetary contributions, when allowed by the Department, must be computed utilizing the requirements found in Division 3.C.(3) of this Article except as modified below.
- (2) In cases where the Department has approved a monetary contribution for Q_{p10} and off-site Storm Drainage System improvements are required, the Department will reduce the Applicant's monetary contribution as follows:
 - a. If design and/or construction of the off-site improvements, as required by the Department, can be shown to the satisfaction of the Department to cost less than total monetary contribution amount, than the monetary contribution will be reduced by the cost of the improvements.
 - b. If design and/or construction of the off-site improvements, as required by the Department, can be shown to the satisfaction of the Department to cost more than total monetary contribution amount, than the upset limit for the cost of the improvement will be the cost of providing on-site Q_{p10} control as computed in Division 3.C.(3)b of this Article.
- (3) Storm Drainage Systems
 - a. Storm Drainage Systems
 - i. Velocity dissipation devices measures must be placed at the Outfalls of all SWM Systems and along the length of any outfall channel as necessary to provide a protected flowpath and Non-erosive Velocity of flow from a Storm Drainage System to a City Waterway.
 - b. Private Storm Drainage Systems

- i. All Storm Drainage Systems conveying off-site Runoff through private property shall be shall be designed, constructed and maintained to the Standards of a Public Storm Drainage System including the requirement to design the system to the 10-year storm event utilizing the drainage area's Ultimate Condition.
- ii. The design and construction shall be certified by a Professional Engineer as meeting or exceeding Public Storm Drainage System Standards. Private Storm Drainage Systems shall be made accessible to, and must be designed to reasonably accommodate, the upstream property Owner's future reasonable use including provisions and permissions to make future connections. This may include a requirement for the Owner of a Private Storm Drainage System to execute an Easement approved by the Department and the City Attorney's office granting the upstream Owner such access.
- iii. The Department may, at its sole discretion, place other requirements on the Owner of a private Strom Drainage System, such as the requirement to relinquish ownership and maintenance responsibilities to the City if it is deemed to be in the best interest of the City.

DIVISION 8. MAINTENANCE AND INSPECTION AFTER CONSTRUCTION.

A. Routine Inspection.

- (1) Except as otherwise provided, the City shall inspect all SWM Systems to ensure that required maintenance is performed. Except as described below, inspection shall occur at least once every three years of operation thereafter or more often as specified by the Department. In addition, a maintenance agreement between the Owner and the City shall be executed for privately owned SWM facilities as described in Sec. 19-65 or 66 of the Ordinance of the Rockville City Code.
- (2) Where located on a Single Unit Detached or Semi- Detached Dwelling lot, the following ESD treatment measures will be inspected on a non-routine basis
 - a. Rain Barrels
 - b. Landscape Infiltration
 - c. Dry Wells
 - d. Rain Gardens
 - e. Alternative Surfaces
 - f. Disconnection of Rooftop and Non-Rooftop Runoff

B. Notification Required.

A Person must notify the Department at least 48 hours before initiating any Structural Maintenance of a private SWM System.

C. Plan Approvals and Permits Required.

It is the responsibility of the Owner of a Private SWM System to obtain SWM Construction Plan approvals and SWM Permits, and any other required plan approvals and Permits from the Department, before repairing, restoring or constructing any SWM System as required by a maintenance agreement or as a result of a violation.

D. Qualifications of Maintenance Personnel.

- (1) A Person performing any cleaning, de-watering, maintaining, repairing, or Retrofitting of a SWM System must have demonstrated experience in SWM System construction and inspection and hold a certificate of attendance awarded through a training program approved by the Department. A Person who performs maintenance or repairs on an underground SWM System must have the training and credentials specified in at least one of the following as may be amended:
 - a. The U. S. Department of Labor, Occupational Safety and Health MDE Regulation on permit-required confined spaces (29 CFR, 1910:146.)
 - b. The State of Maryland's applicable requirements for Oil Pollution and Tank Management (COMAR Title 26, Subtitle 10.)

E. Inspection Reports.

- (1) The City shall keep inspection reports for all SWM Systems. Inspection reports for SWM Systems shall include the following:
 - a. The date of inspection.
 - b. Name of inspector.
 - c. The condition of all components of the SWM System including but not limited to:
 - i. Vegetation and filter media.
 - ii. Fences or other safety devices.
 - iii. Spillways, pipes, valves, or other control structures.
 - iv. Embankments, Slopes, and safety benches.
 - v. Reservoir or treatment areas.
 - vi. Inlet and outlet channels or structures and velocity dissipation measures.
 - vii. The aboveground and underground drainage.
 - viii. Sediment and debris accumulation in storage and forebay areas.
 - ix. Any ESD treatment measures.
 - x. Any other item that could affect the proper function of the SWM System.
 - xi. Description of needed maintenance and repairs to correct deficiencies.

F. Deficiencies.

- (1) After notification is provided to the Owner of any deficiencies discovered by an inspection of a SWM System, the Owner shall have a reasonable time period as determined by the Department to correct the deficiencies. The Department shall then conduct a subsequent inspection to ensure completion of the corrective action. If repairs are not undertaken or are found to be improperly done, then correction and enforcement procedures may be taken pursuant to the Ordinance.

G. Final Inspection.

- (1) Upon completion of maintenance or repair work, the Department must conduct a final inspection of the SWM System to confirm all maintenance or repair work

H. Enforcement Responses.

- (1) Generally, Owners of private SWM Systems who do not maintain their system will be ordered to restore the system to its permitted condition as described on the Approved Plans and may be subject to any other administrative action, penalty or remedy allowed by law. In certain circumstances it may be impracticable or inappropriate for Owners to restore or repair neglected private SWM Systems to their permitted condition. Where appropriate the Department may consider, but is not required to accept, one or a combination of the following maintenance alternatives:
 - a. Pay a fee in lieu. At the Department's sole discretion, the Department may accept a fee in lieu based on the monetary contribution the provisions of these Regulations. In such cases, it will be the Applicant's responsibility to ensure that the failed SWM System is removed and/or abandoned to the satisfaction of the Department.
 - b. Replace the System. Where restoring a private SWM System to its permitted condition is impracticable or detrimental to the goals of this Chapter, the Owner may propose to install a replacement SWM System. The replacement SWM System must provide a level of SWM as directed by the Department. However, the Department is in no way obligated to accept proposed replacement systems. If accepted, all Owners shall obtain necessary Sediment Control Construction Plan approval and/or Permits and any other permits required to construct the replacement system.

I. City Acceptance for Structural Maintenance Responsibility

- (1) Pursuant to Sec. 19-68 of the Ordinance, the Owner of a private SWM System serving multiple properties may request that the City assume structural operation and Structural Maintenance responsibility for the system. The Owner must submit, at the Owner's expense, the following to support the request:
 - a. Payment of any required application fee.
 - b. Description of the type of system (or facilities), including water quality control and/or water quantity control design criteria and performance standard, and year built.
 - c. Drainage Area map for the system showing the boundaries and acreages for Impervious Areas that are treated in the system.
 - d. As-built engineering plans for the system.
 - e. A narrative of the known maintenance history of the system, including routine maintenance and significant Structural Maintenance and repair.

- f. Information on any public funds used to repair, upgrade or Retrofit the system, including the amount and the date the repair, upgrade or Retrofit was made.
 - g. An Initial Certification Report prepared by a Professional Engineer licensed in the State of Maryland, or under the guidance of a Maryland Professional Engineer.
 - i. Initial certification shall include an inspection report pursuant to Division 8.E of this Article, or other format approved by the Department. The report must certify that the SWM System is “functioning as originally designed”, is safe, operational and has been adequately maintained. Functioning as originally designed means that the system is functioning in accordance with the original design specifications, or as later approved by the Department, regardless of whether the system meets the Standards established in the most recent version of the Maryland Stormwater Design Manual.
 - ii. The initial certification report shall be signed and sealed by the responsible Professional Engineer licensed in the State of Maryland. The certification inspection shall not be more than one year old at time of application.
- (2) Any maintenance, safety, or functional deficiencies must be remedied at the Owner’s expense before the system is accepted by the City for ongoing Structural Maintenance. Regardless of the City’s decision to accept the system, all deficiencies must be remedied. The City may undertake any necessary action to remedy a deficiency and recoup all costs from the Owner.
- (3) The property Owner shall submit Easement documents, in a format acceptable to the City, that grant the City access for structural operation and maintenance of the system, and that reserve aesthetic maintenance (including, but not limited to landscaping, mowing and minor trash removal) as the responsibility of the property Owner. At the City’s request, the Owner may also be required to submit documents for release or modification of existing stormwater maintenance Easements and agreements. All required documents must be approved by the City, executed and recorded in the land records prior to the City formally accepting structural operation and maintenance responsibilities.
- (4) The Director shall review and decide requests for the City to assume maintenance and operation responsibilities for private SWM Systems primarily serving Single Unit Detached Dwellings, Townhouses, and/or Semi-Detached Dwellings located on separate lots. The Mayor and Council shall review and decide all requests for the City to assume responsibility for SWM Systems serving all other land uses.
- (5) Satisfaction of all the requirements set forth in these Regulations and the Ordinance does not obligate the City to accept a SWM System for Structural Maintenance or operation.

ARTICLE III. EROSION AND SEDIMENT CONTROL REGULATIONS

DIVISION 1. IN GENERAL

A. Scope.

- (1) Except as otherwise provided, the Erosion and Sediment Control provisions of the Ordinance and these Regulations apply to any Land Disturbing Activity that meets any of the following:
 - a. Involves 5,000 square feet or more of Disturbed Area, or
 - b. Involves 100 cubic yards or more of Grading, or
 - c. Involves Land Disturbing Activity within a Stream Buffer, or
 - d. Involves the construction of a new Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling Unit.
- (2) The Department may, at its sole discretion, require certain Land Disturbing Activities regardless of the amount of Land Disturbing Activity or Grading, follow the Ordinance and these Regulations when it determines that the impact to the environment and/or the proximity of the Land Disturbing Activities to natural resources, a SWM System and/or a Storm Drainage System warrant special protection.
- (3) Nothing in this section may be construed to change the scope or applicability of the SWM provisions of the Ordinance and these Regulations.

B. Exemptions.

- (1) The Erosion and Sediment Control provisions of the Ordinance and these Regulations do not apply to the following:
 - a. Agricultural land management activities.
 - b. Work performed by a utility contractor under a Washington Suburban Sanitary Commission (WSSC) Utility Sediment Control Permit, which has been issued to the contractor pursuant to rules and regulations adopted by the Commission under Title 4, Subtitle 1, Environmental Article of the Annotated Code of Maryland.
 - c. Land Disturbing Activities that are subject to State approval and enforcement under State law and regulation.

DIVISION 2. SEDIMENT CONTROL REQUIREMENTS

A. Required.

All Land Disturbing Activities, whether subject to a Sediment Control Permit or not, must at a minimum, comply with the requirements in Division 4 (Sediment Control During Land Disturbing Activities).

B. Design and Construction of Sediment Control Measures.

- (1) All NRI/FSD's, Preliminary Erosion and Sediment Control Plans and Sediment Control Construction Plans must be designed and constructed in conformance with the latest version of MDE's Standards and Specifications, the Ordinance and these Regulations, unless otherwise permitted or if subject to grandfathering provisions as specified by the State, MDE or the Department.
- (2) Erosion and Sediment Control must be designed to incorporate the following planning techniques and principles as stated in the Standards and Specifications.

- a. Plan the Development to fit the Site.
 - b. Protect and minimize impacts to natural resources.
 - c. Protect and minimize impacts to Steep Slopes and Highly Erodible Soils.
 - d. Minimize Disturbed Areas.
 - e. Stabilize exposed Soil as soon as practicable.
 - f. Control and/or manage on-site and off-site Runoff.
 - g. Protect perimeter areas and retain sediment on-site.
 - h. Make provisions for the inspection and maintenance of sediment control measures.
- (3) The following design criteria must be incorporated into the Approved Plans when applicable:
- a. Sediment control measures must be provided in subsequent Phases of multi-Phase Development or Redevelopment Projects to protect existing On-site SWM and Storm Drainage Systems from contamination and damage during construction
 - b. Velocity dissipation devices must be placed at the Outfalls into and out of all SWM Systems and Storm Drainage Systems and along the length of any Outfall channel as necessary to prevent Erosion and ensure a Non-erosive Velocity of Runoff into and out of the SWM Systems and/or into a City Waterway.
 - c. If groundwater is encountered during construction, the Applicant must provide measures as directed by the Department to protect the watertable from contamination, ensure adequate and safe pumping of water without damaging structures, and allowing sediment to leave the construction site. Measures may require a revision to the Approved Plan/Permit.

DIVISION 3. SEDIMENT CONTROL PLANS, PERMITS AND APPROVALS

A. Plans.

- (1) In General.
- a. The Applicant is responsible for obtaining all required plan approvals and permits in accordance with the Ordinance, these Regulations and MDE's Standards and Specifications.
 - b. The plans must contain sufficient information for the Department to:
 - i. Evaluate the environmental characteristic of the Site.
 - ii. Assess the potential impacts of the proposed Development Project on natural resources and City Waterways.
 - iii. Determine the effectiveness and acceptability of proposed erosion and sediment control measures in minimizing erosion and transportation of sediment to off-site properties.
 - iv. Ensure that conforming SWM is provided.
 - v. Demonstrate that the potential for flooding and Safe Conveyance of Runoff have been adequately addressed and/or mitigated.
- (2) Requirements.
- a. A Preliminary Erosion and Sediment Control Plan will not be approved until an NRI/FSD for a Development Project is approved, when one is required.

- b. A Site Plan cannot be approved until the Department has approved the Preliminary Erosion and Sediment Control Plan.
- c. The Preliminary Erosion and Sediment Control Plan must be approved before a Sediment Control Construction Plan can be submitted, except for an application of three (3) or less individual Single Unit Detached or Semi-Detached Dwellings.
- d. A Sediment Control Construction Plan will not be approved until the Final Forest Conservation Plan prepared in accordance with Chapter 10.5 (Forest and Tree Preservation) is approved, when one is required.
- e. Approval of Sediment Control Plan or authorization to utilize the Standard Sediment Control Plan does not constitute permission by the Department to begin Land Disturbing Activities. The Applicant also must obtain a Sediment Control Permit.
- f. A Sediment Control Construction Plan cannot be submitted until the corresponding Site Plan is approved, unless otherwise authorized by the Department and at the Applicant's sole risk and liability.
- g. A Sediment Control Construction Plan will not be approved until all required Easements and permissions, whether for temporary or permanent impacts, are obtained and recorded in the land records of Montgomery County, when applicable.
- h. A Sediment Control Construction Plan will not be approved until the corresponding Signature Set Site Plan is approved, unless otherwise allowed by the Department.
- i. A Sediment Control Permit will not be issued until the Sediment Control Construction Plan is approved.
- j. A Sediment Control Permit will not be issued until all other required Federal, State and local permits are issued.
- k. A Sediment Control Permit will not be issued until a Floodplain Variance is granted, if required by Chapter 10 (Floodplain Management).
- l. A Sediment Control Permit will not be issued and tree removal or Clearing cannot commence until the Forestry Permit, if required by Chapter 10.5 (Forest and Tree Preservation), is issued.
- m. A Building permit will not be issued until corresponding Sediment Control and SWM Permits are issued.

B. Contents of the Three Phases of Erosion and Sediment Control Plans.

- (1) Submissions - At a minimum the Applicant's submission must include:
 - a. A transmittal explaining the purpose of the submission.
 - b. An application form.
 - c. Required fees.
 - d. A completed and signed design review checklist.
- (2) Phase 1 - NRI/FSD. An NRI/FSD will be reviewed for compliance with the Ordinance and these Regulations by the Department and approved by the City Forester. At a minimum the NRI/FSD as submitted to the Department must contain the following:

- a. A vicinity map with north arrow, scale, Site location and other information necessary to locate the property.
 - b. The name, address, telephone number, e-mail and contact name of the property Owner.
 - c. The name, address, telephone number, e-mail and contact name of the Applicant, if different than the property Owner.
 - d. The Site boundary delineated with bearings and distances.
 - e. Adjacent Rights-of-Way shown and labeled with street name and width.
 - f. Existing topography at a minimum two-foot contour interval.
 - g. Existing Site features, including buildings, paved areas, utilities and other improvements shown and labeled, indicating to remain, to be removed, to be replaced or to be abandoned in place.
 - h. Existing Easements shown and labeled.
 - i. The location and description of all natural resources per the City's Environmental Guidelines and Chapter 10.5 (Forest and Tree Preservation), including any individual trees with a Diameter Breast Height (DBH) of six inches or greater on the Site within 20-feet of the Limits of Disturbance.
 - j. The location of Steep Slopes.
 - k. The location of Highly Erodible Soils.
 - l. The location and types of Soils on the Site including the Hydrologic Soil Group per the USDA NRCS.
 - m. The location of 100-year Floodplains, Stream Buffers, Wetlands and Wetlands buffers.
 - n. A title block on each sheet with the project name, plan type, legal property description, election district and scale between 1 inch = 10 feet and 1 inch = 50 feet, or as directed by the Department.
 - o. North arrow and datum on each plan view sheet.
- (3) Phase 2 - Preliminary Erosion and Sediment Control Plan. At a minimum, this plan must contain the following:
- a. All items in B(2) above.
 - b. Proposed Development Project including buildings, conceptual utilities, paving and other improvements shown and labeled.
 - c. Conceptual SWM System (to match the Development SWM Concept) shown and labeled.
 - d. Conceptual Storm Drainage System shown and labeled.
 - e. Conceptual Grading at a minimum two-foot contour interval.
 - f. Spot elevations sufficient to support drainage patterns.
 - g. Conceptual interim Grading, where the project is sequenced or as applicable.
 - h. Grading Units delineated and labeled, where applicable.
 - i. Limits of Disturbance delineated and labeled.
 - j. Existing and proposed drainage divides and Drainage Areas to the Site.
 - k. Initial, interim and final phasing identified and delineated.
 - l. Legend.
 - m. Conceptual temporary and permanent Easements, permission and dedications shown and labeled.
 - n. Conceptual Sediment Control measures shown, labeled and preliminarily sized.

- o. A narrative describing how Erosion and Sediment Control will be integrated into the SWM strategy using Environmental Site Design (ESD) to protect natural resources and minimize Erosion.
 - p. A copy of the approved NRI/FSD.
- (4) Phase 3 - Sediment Control Construction Plan. At a minimum, this plan must contain the following:
- a. All items in B(3) above, except n. and o.
 - b. Department Notes (General Notes, Erosion and Sediment Control Notes and Geotechnical Notes) and Montgomery County Topsoiling Notes.
 - c. Stabilization Note for temporary or permanent measures as follows:
 - d. Following initial soil disturbance or re-disturbance, permanent or temporary stabilization will be completed within:

Three calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter Slopes, and all Slopes greater than 3 horizontal to 1 vertical (3:1).

Seven calendar days as to all other disturbed or graded areas on the development project not under active grading.

Maintenance will be performed, as necessary, to ensure that the stabilized areas continuously meet the appropriate requirements of the current Standards and Specifications.

The requirements of this note do not apply to those areas that are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed.

- e. Miss Utility Note and City Utility Note.
- f. Two benchmarks per plan view sheet with locations, descriptions and horizontal and vertical information.
- g. Required Certifications:

Owner/Developer Certification

I/We hereby certify that any clearing, grading, construction or development, or all of these, will be done pursuant to this plan and that Responsible Personnel involved in the construction project will have a certification of training at a Department of the Environment approved training program for the control of sediment and erosion before beginning the project and that the applicable sediment control conditions and requirements of the City of Rockville and the State of Maryland and its agencies are hereby made part of this plan.

Signature _____
 Printed name and title _____
 Date _____

The certificate of training for Responsible Personnel requirement may be waived by the City of Rockville on any project involving four or fewer residential units.

Design and Quantities Certification

I hereby certify that this plan has been prepared in accordance with the latest Maryland Standards and Specifications for Soil Erosion and Sediment Control and the Ordinance of the Rockville City Code. The estimated total amount of excavation and fill has been computed to be _____ cubic yards of excavation and _____ cubic yards of fill and the total area to be disturbed as shown on these plans has been determined to be _____ square feet of which _____ is on-site and _____ is in the adjacent right-of-way. The impervious area subject to Stormwater Management shown on this plan is _____ acres of which is _____ on-site and _____ is in the adjacent right-of-way.

Signature: _____

Printed name and title: _____

Date: _____

Maryland Registration number: _____

Title and License Number: (Professional Engineer, Professional Land Surveyor, Registered Landscape Architect or Licensed Architect).

- h. Design of velocity dissipation devices and computations at all Outfalls to support a Non-erosive Velocity for two-year and 10-year Developed Condition storm events, including flow rates, flowing full and actual velocities in at Outfall pipes, and velocity through the dissipating devices.
- i. Required construction elements including location, type and size for all proposed sediment control measures.
- j. Provisions for salvage, stockpiling and reuse of topsoil.
- k. Provisions for construction staging and storage of materials.
- l. Standard details from the Standards and Specifications for all measures to be utilized.
- m. Non-standard or site specific details, where approval of modifications to Standards is proposed.
- n. Sequence of Construction outlining the relationship between implementation and maintenance of sediment control and each Phase of disturbance, construction and Stabilization. The sequence also must identify and provide sufficient detail to support the Grading Units, Accelerated Stabilization, redundant sediment control measures and interim Grading, where applicable. The sequence must contain the following minimum elements/steps:

- i. General notes including restrictions on when work can be performed due to class of stream, information highlighting steps that must occur in a specific order and a note that the Applicant cannot modify the sequence of construction during construction without prior approval of the Department.
- ii. Pre-construction meeting with Department inspectors, City Forester (where required), personnel from other agencies issuing permits and the Applicant prior to any clearing and grading. The limits of disturbance, as shown on the approved plans, must be marked in the field by the Applicant prior to the pre-construction meeting.
- iii. Clearing only for installation of perimeter sediment control, stabilized construction entrance and tree protection measures with prior approval of the Department inspectors and the City Forester, where required.
- iv. Construction of perimeter and other initial sediment control measures.
- v. Approval of sediment control and tree protection measures by Department inspectors and the City Forester, where required, prior to proceeding with any additional clearing, grading or construction.
- vi. Remaining clearing.
- vii. Grading, including, where applicable, the requirement to stabilize a Grading Unit prior to commencing grading in another.
- viii. Utility installation, connection to existing utilities/structures and usage/blockage/protection of Storm Drainage Systems during construction.
- ix. Construction of Buildings, roads and other improvements including as-builts when required.
- x. Final grading, landscaping and stabilization.
- xi. Permission from the Department inspectors to install the SWM Systems.
- xii. Installation of SWM Systems including as-builts, when required.
- xiii. Approval by the Department inspector of final stabilization prior to removal of sediment controls measures.
- xiv. Removal of sediment controls measures.
- xv. Stabilization of areas disturbed by the removal of the sediment control measures.
- o. Existing and proposed Drainage Areas to and within the Site and to each sediment control measures, delineated with areas shown in acres, to support the use of the measures.
- p. Computations, construction details and specifications necessary to support the Sediment Control Construction Plan.
- q. Other plans, drawings, materials or information as may be required by the Department.
- r. A phasing plan, when required by the Department, to support the use of Grading Units when applicable to limit mass Clearing and Grading.
- s. A copy of the Final Forest Conservation Plan, approved by the City Forester, when one is required.
- t. A copy of the Preliminary Erosion and Sediment Control approval letter.

C. Other Sediment Control Plans and Approvals.

- (1) Standard Sediment and Erosion Control Plan.
 - a. Requests by an Applicant to utilize the Standard Sediment Control Plan must, at a minimum, include:
 - i. A letter explaining the reason for the request.
 - ii. The minimum Sediment Control Plan Review fee.
 - iii. An accompanying sketch showing:
 - (a) Existing buildings, improvements and features and proposed Development.
 - (b) Impacts to individual trees with a DBH of six inches and greater.
 - (c) Proposed sediment control measures shown and labeled.
 - (d) Delineated Limits of Disturbance including access and staging if applicable.
 - (e) Quantities of Disturbed Area and Impervious Area.
 - (f) Estimates of cut and fill.
 - (g) Owner/Developer Certification as in B(4)f.i. above.
 - (h) The sketch will be permitted to be 8 ½ x11-inches, if that size provides sufficient detail.
 - b. The request to use the Standard Erosion and Sediment Control Plan must be submitted concurrent with a Sediment Control Permit application.
 - c. Approval by the Department for an Applicant to utilize the Standard Sediment Control Plan will only be considered to be granted by the issuance of a Sediment Control Permit that includes a condition specifically allowing the use of the Standard Erosion and Sediment Control Plan.
- (2) Builder's Sediment Control.
 - a. In accordance with Sec.19-95, the Department may issue a Sediment Control Permit to a Builder or Applicant for the construction of a Single Unit Detached, Townhouse or Semi-Detached Dwelling located on an active Development Project covered by a Developer's Sediment Control Permit. In these cases the Builder or Applicant will be required to submit a written request to the Department to utilize the Standard Sediment Control Plan, along with those items listed in Section D (Sediment Control Permits). Issuance of a Sediment Control Permit to a Builder or Applicant under this provision does not relieve the Builder or Applicant from any and all applicable requirements of the Ordinance or these Regulations.
- (3) Sediment Control for Impacts that Warrant Special Protection.
 - a. In accordance with Sec. 19-85(a)(5), the Department may subject certain Land Disturbing Activities to the requirements of the Ordinance and these Regulations regardless of the amount of Disturbed Area and/or Grading. In these cases, the Applicant may be required to submit a written request to utilize the Standard Sediment Control Plan and the Sediment Control Permits pursuant to the provisions in these Regulations.
 - b. The Department also may, at its sole discretion, allow the Applicant to obtain a Sediment Control Permit without a request to utilize the Standard Sediment Control Plan.

- c. Issuance of a Sediment Control Permit to an Applicant under these provisions does not relieve the Applicant from any and all applicable requirements of the Ordinance or these Regulations including those requirements in Division 4 (Sediment Control During Land Disturbing Activities).

D. Sediment Control Permits.

- (1) An Applicant must obtain a Sediment Control Permit prior to the commencement of any Land Disturbing Activity subject to the Ordinance.
- (2) Before the Department will issue a Sediment Control Permit, the Applicant must provide, at a minimum, the following information for use by the Department:
 - a. A copy of the Approved Sediment Control Construction Plan or a written request to utilize the Standard Sediment Control Plan in accordance with Section C (Standard Sediment and Erosion Control Plan).
 - b. An itemized estimate of the type, quantity, cost of sediment control and costs for tree protection measures that are not part of the Forestry Permit and stabilization, including installation, maintenance and removal. The estimate must utilize standard pricing for estimating as developed by the Department. In cases where standard pricing is not available from the Department, a cost from a reliable source can be utilized. The estimate should not include a contingency and the total should be rounded up to the nearest one hundred dollars.
 - c. Copies of all Easements, permissions and/or dedications required to implement the Sediment Control Construction Plan. Documents must be recorded in the land records of Montgomery County prior to Permit issuance, when required.
 - d. A performance bond, letter of credit or other security in a manner acceptable to the Department and the City Attorney. The security should only be submitted once the Department has approved the amount of the security.
 - e. A copy of all other required State and local permits including the NOI.

E. Expiration and Renewal of Sediment Control Approvals.

- (1) Approval of Preliminary Erosion and Sediment Control Plans will expire upon the expiration of the Development Project's Site Plans under Chapter 25 (Zoning) of the Rockville City Code.
- (2) Approval of Sediment Control Construction Plans will expire six months after the plan approval date, if the corresponding Permit has not been issued within that period. No Sediment Control Permit will be issued if the corresponding plans have expired.
- (3) All Sediment Control submittals that have not received approval and are under review by the Department may be required to address additional comments including but not limited to any new Department policy, guidance or Standard that becomes effective during the review period.
- (4) If a Sediment Control Permit is not issued within six months of the Sediment Control Construction Plan approval, then the Department may require the Applicant to update any Approved Plans to meet current State and Department Standards as the Department deems necessary.

- (5) Expired Sediment Control Construction Plans may be renewed. In order to request the renewal of an expired Sediment Control Construction Plan, the Applicant must submit to the Department:
 - a. A copy of the previously approved, but expired Sediment Control Construction Plan.
 - b. A transmittal that includes an explanation of why the Sediment Control Permit has not been issued.
 - c. The minimum Sediment Control Plan review fee in affect at the time of the request.
- (6) When a request to renew a previously approved, but expired, Sediment Control Plan is received, the Department will:
 - a. Review the submission and inform the Applicant of any required revisions.
 - b. Determine if additional fees are required.
 - c. Determine if a change to the established security amount is required.
- (7) Once the Department is satisfied that all conditions have been met, the Director will sign the plan which will establish a new approval date. Renewed approvals will be valid for six months.

F. Revisions to Approved Plans and Permits.

- (1) The Applicant can request a revision to an approved Sediment Control Construction Plan or a Sediment Control Permit utilizing Department guidance. Unless otherwise permitted by the Department, the submission must include:
 - a. A transmittal including a Statement about the purpose of the revision and a summary of what is being revised.
 - b. An application highlighting any changes to the original application information including increases or reductions of any quantities, measurements or costs. The Department will use this information to determine compliance with the Ordinance and these Regulations and/or to establish fees or security amounts.
 - c. Applicable fees.
 - d. Revised plans, computations and details, as applicable.
- (2) Plans will be revised according to the flowing guidance, as may be amended by the Department:
 - a. All design information that is being removed or revised is to be clearly crossed off. The new design will be shown and all revisions, regardless of whether they are deletions, revisions or additions, will be encircled for clear identification.
 - b. The Applicant's qualified preparer, as established in the Ordinance, will be required to recertify the design and computations associated with all revisions by initialing and dating the revision box.
- (3) The Department will review the submission and:
 - a. Provide comments to the Applicant.
 - b. Determine if additional fees are due from the Applicant.
 - c. Determine if revisions to the Permit conditions are required.
 - d. Determine if revised or replacement security is required from the Applicant.
 - e. Determine if other items such as Easements or agreements are required from the Applicant.

- (4) The Applicant will be required to obtain all required approvals for the revision from other City Departments and/or required Federal, State or County agencies.
- (5) No revised plan or Permit will be considered to be approved until the Applicant has satisfied all Department requirements and the Director has signed and dated the revision.
- (6) No Land Disturbing Activity or Development that is a reliant upon the revision can commence until so authorized by the Department by the approval of the revised Sediment Control Construction Plan and/or Permit.

DIVISION 4. SEDIMENT CONTROL DURING LAND DISTURBING ACTIVITES

A. Minimum Measures.

- (1) Any Person engaging in Land Disturbing Activities, including hauling of Soil and other materials, must employ the following minimum measures, regardless of whether or not that activity requires a Sediment Control Permit.
- (2) Use and Maintenance of Erosion and Sediment Control Practices.
 - a. Usage and maintain erosion and sediment control measures to prevent sediment from leaving the Site. Stabilization is subject to inspection by the Department.
 - b. Temporarily or permanently stabilize the Disturbed Area for the duration of the Land Disturbing Activity. Such Stabilization and vegetative cover is subject to inspection by the Department.
 - c. Promptly repair all Graded areas, sediment control measures and practices, vegetative covers and/or other protective measures disturbed or destroyed during the course of the Land Disturbing Activity. Such repair, restoration and maintenance is subject to inspection by the Department.
- (3) Protection of Environmental Areas.
 - a. Protect all environmental areas so as to prevent debris, Soil, liquids and other materials from being deposited upon, rolling, flowing, washing or blowing upon or over such areas including Floodplains, City Waterways, environmentally sensitive area, Stream Buffers, Wetlands and other natural resource in such a manner that would cause damage or interfere with the use of the areas.
- (4) Protection of Property.
 - a. Protect property so as to prevent debris, Soil, liquids and other materials from being deposited upon, rolling, flowing, washing or blowing upon or over any property including public and private streets, Storm Drainage Systems, SWM Systems, sidewalks and bikepaths in such a manner that would cause damage or interfere with the use of the areas, unless the Applicant has the expressed consent of the property Owner.

- (5) If any debris, Soil, liquids or other material is deposited or caused to roll, flow or wash upon any public or private property in violation of this section, the Person responsible will be notified and will be required to remove the material from such property or environmental area as directed by the Department. In the event that it is not so removed, the Department will remove the material and the cost of the removal will be paid to the City by the Person who failed to remove the material. The cost of such rep, of any Person liable to pay said costs, and will be collected in the same manner as ordinary taxes.
- (6) Nothing in this section will prohibit the Department from pursuing any other enforcement actions or corrective measures in the Ordinance.

B. Responsibilities of the Applicant.

- (1) In addition to the minimum measures in Division 4.A, an Applicant who has received a Sediment Control Permit from the Department must:
 - a. Maintain, at the Site, the approved Erosion and Sediment Control Construction Plan, the Sediment Control Permit and copies of any other issued permits affecting sediment control including the NOI, if applicable.
- (2) During the entire period of Permit coverage, for all active and inactive Sites, the Applicant must:
 - a. Conduct inspections of the Site for compliance with the Approved Sediment Control Plan and Permits at the following intervals:
 - i. Weekly.
 - ii. The day before a forecasted rainfall event.
 - iii. The next day after a rainfall event resulting in Runoff.
 - iv. At the direction of the Department, if required.
 - b. Correct, within one day of the identification of the deficiency or as soon as weather permits, any deficiencies that require routine maintenance of existing sediment control measures, including Stabilization, identified during the inspections.
 - c. Correct deficiencies that require more than routine maintenance of existing sediment control measures. Corrections also may require the Applicant to:
 - i. Obtain permission from the Department inspectors and implementing minor modifications to sediment control measures in the field within two business days of the identification of the deficiency.
 - ii. Stabilize expanded Disturbed Areas or increase Stabilization schedule, whether temporary or permanent, as necessary or as directed by the Department inspector, within two business days of the identification of the deficiency.
 - iii. Obtain approval for revisions to Approved Plans within a time frame established by the Department.
 - iv. Obtain approval for revisions to the approved sequence of construction within a time frame established by the Department.
- (3) Maintain, at the Site, written reports of all inspections conducted by the Applicant, which must include:
 - a. The date and time of the inspection.

- b. The name of the Person who conducted the inspection.
 - c. A description of the state of the construction including what is completed and what is currently under construction.
 - d. A Statement about the condition of the sediment control measures noting any deficiencies and corrective measures taken. Deficiencies may include, but are not limited to, failure to follow the approved sequence of construction, failure to provide required Stabilization of Disturbed Areas, failure to maintain approved buffers, Grading beyond the Limit of Disturbance, sediment control measures that are missing, improperly installed or in need of maintenance.
- (4) Maintain, at the Site, written reports of all sediment control maintenance performed, which must include:
- a. The date and time of maintenance.
 - b. A description of the state of the sediment control measures and stabilization, including what is installed and stabilized.
 - c. A Statement detailing the maintenance performed.
 - d. A Statement about sediment control measures that have not yet been installed.
 - e. Other Statements regarding compliance with the Approved Plans, Permit or sequence of construction.
- (5) If groundwater is encountered during construction, the Applicant must provide measures as directed by the Department to protect the watertable from contamination, ensure adequate and safe pumping of water without damaging structures, and allowing sediment to leave the construction site. Measures may require a revision to the Approved Plan/Permit.

DIVISION 5. INSPECTION AND ENFORCEMENT

A. In General.

- (1) Inspection and enforcement of conditions of the Sediment Control Permit will be the responsibility of the Department, if so delegated by MDE.
- (2) The Department will inspect every active Development Project with a Sediment Control Permit for compliance with Permit conditions once every two weeks, on average.
- (3) The issuance of a Sediment Control Permit and the inspection of the Site by the Department do not relieve the Applicant of the continuing responsibility to effectively abate sediment pollution, and to properly install sediment control measures, stabilization and maintenance of such measures in good working order.
- (4) The Department will investigate complaints concerning erosion and sediment control and will take any necessary enforcement actions in accordance with the Ordinance. The Department shall notify the complainant of the result of any investigation and any enforcement action taken.

ARTICLE IV. STORMWATER MANAGEMENT UTILITY FEE REGULATIONS

DIVISION 1. POLICIES AND PROCEDURES

A. Introduction.

- (1) The SWM Utility Fee establishes a system of charges to finance the City's SWM Systems, Storm Drainage Systems and Water Quality Programs. The system of charges is based on the amount of Impervious Area associated with a property, which is directly correlated to the volume of Runoff within a Watershed or catchment area.

B. Impervious Surface Measurement.

- (1) The following methods must be used, at the Department's sole discretion, to determine the Impervious Surface Measurement for a property:
 - a. GIS analysis of aerial photography.
 - b. Measurement from approved as-built engineering drawings.
 - c. Field surveys signed and sealed by a Professional Engineer or Professional Land Surveyor licensed in the State of Maryland.

C. Exempted Impervious Areas.

- (1) The following Impervious Areas are exempted from measurement for the SWM Utility Fee.
 - a. Impervious Area of less than 100 square feet within an unimproved lot.
 - b. Impervious Area within public Rights-of-Way.
- (2) All other Impervious Areas within a property, including but not limited to recreational or aesthetic features, sidewalks, alleys, private driveways or roads and parking lots, are subject to the fee, except that the Director may exempt private roads, streets and other Rights-of-Way that primarily function or were intended to function as public roads, streets or Rights-of-Way and that further meet construction (including width) Standards of the City's Road Code as set forth in Chapter 21 (Streets and Public Improvements) of the Rockville City Code.

D. Hardship.

No exemption or specific fee relief is granted by the Department for hardship or failure to pay the SWM Utility Fee.

DIVISION 2. SUBMITTAL REQUIREMENTS FOR REQUEST FOR ADJUSTMENT

A. Request to View City Impervious Measurements.

Before filing a request for adjustment of the SWM Utility Fee, a property Owner may contact the Department to request an explanation of the SWM Utility Fee bill and to view the Impervious Surface Measurement determined by the Department for the property.

B. Adjustment Request Submittal Requirements.

- (1) A property Owner requesting an adjustment for the SWM Utility Fee must submit the following information to the Department of Public Works within 30 days of the issue date of the bill:
 - a. Completed SWM Utility Fee Adjustment application form supplied by the Department.
 - b. If the request for adjustment is regarding error in the Impervious Surface Measurement per the Ordinance, Sec.19-120 a plan view of the property's Impervious Surface Measurement must be submitted with the application and must be prepared at the Owner's expense. The plan must meet the following criteria:
 - i. Prepared at a scale of 1 inch = 30 feet or more detailed.
 - ii. Show all Impervious Areas and label their dimensions within the property boundaries, including Buildings, patios, driveways, parking areas, graveled areas, and any other separate impervious structures greater than 10 X 10-feet and paths wider than 4-feet.
 - iii. Sealed and signed by a Professional Engineer or Professional Land Surveyor licensed in the State of Maryland attesting to the accuracy of the Impervious Surface Measurements.
- (2) For an adjustment request based on the Ordinance, Sec.19-120, the Department may grant up to an additional 30 days to submit a plan view of the property's Impervious Surface Measurement. The Department also may grant up to an additional 30 days for adjustment requests to Applicants that show good cause.
- (3) Requests for adjustment filed by August 15, if approved, will be applied to the current year's SWM Utility Fee bill. Requests received after August 15, if approved, will be applied to the following year's bill. No refunds or prorated bills will be issued.

DIVISION 3. FEE CREDIT POLICY

A. Credit Concept.

SWM Utility Fees calculated on the basis of impervious surface cover may be adjusted through the use of credits, when an investment in properly maintained On-Site SWM Systems result in a reduced impact on the Public SWM System.

B. Credit Eligibility.

- (1) Owners of property designated for any Use, except those designated Single Detached Dwelling Unit under Chapter 25 (Zoning) of the Rockville City Code that structurally maintain and operate a SWM System, are eligible for a credit. Previous payment of SWM waivers or monetary contributions in lieu of On-site SWM controls does not confer eligibility to receive a credit. The construction of and dedication to the City of a SWM System does not confer eligibility to receive a credit.
- (2) The following SWM Systems are eligible for a Stormwater Utility Fee Credit:

- a. Structural SWM Systems.
 - b. ESD practices categorized by the Design Manual as Alternative Surfaces.
 - c. The following ESD practices categorized by the Design Manual as microscale practices: cisterns, submerged gravel Wetlands, landscape infiltration, infiltration berms, dry wells, micro-bioretenion, rain gardens and swales.
 - d. Any other SWM System deemed eligible by the Department.
- (3) The following SWM Systems are not eligible for a credit: disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to conservation areas, rain barrels, enhanced filters and any other system determined ineligible by the Department.
 - (4) Structural SWM Systems designed only for Recharge Volume (Re_v) are eligible for a credit, if they are subject to routine structural inspections and maintenance.
 - (5) A property Owner that provides only aesthetic maintenance of a SWM System is not eligible for a credit. Aesthetic maintenance includes activities that are not essential to the proper operation or function of the practice or are considered part of routine property maintenance. Examples of aesthetic maintenance include, but are not limited to, routine trash or leaf removal, mowing, roof gutter cleaning and enhanced landscaping.
 - (6) SWM Systems that are not certified as functioning as originally designed are not eligible for a credit. Functioning as originally designed means that the practice is functioning in accordance with the original design specifications, regardless of whether it meets the Standards established in the most recent version of the Maryland Stormwater Design Manual.
 - (7) The Department reserves the right to inspect, on a routine or non-routine basis, any SWM System listed on a fee credit application. If a practice is found by the Department inspector to be non-functioning, the Department will issue to the Owner a report of needed maintenance. The inspection also may include directions to correct Site conditions adversely affecting the practice, such as uncontrolled Soil Erosion or contamination.
 - (8) The Department may revoke a previously approved fee credit at any time for failure to properly maintain a SWM System for unapproved changes made to the system or for changed Site conditions that adversely impact the system. The Owner is responsible for correcting problems at the Owner's expense. Where a SWM System ceases to function due to the Owner's failure to provide proper maintenance, the system will be ineligible for a fee credit for a period of two years after the date that the system is restored to functioning condition.
 - (9) Any approved credit will be applied only to bills for the Owner of the SWM System. Credit may be given to a single Owner for impervious surface areas on multiple parcels that drain to a practice on a separate parcel, provided that all parcels are owned by the same entity as the practice itself.

C. Credit Application Requirements and Certification Reports.

- (1) To apply for a SWM Utility Credit, the Owner must submit, at the Owner's expense, the following information for the approval of the Department:

- a. Completed SWM Utility Fee - Private System Credit application form supplied by the Department and application fee.
 - b. Description of the type of system, including water quality control and/or water quantity control design criteria and performance standard, and year built.
 - c. Drainage Area map for the system showing the boundaries and acreages for Impervious Areas that are treated in the system.
 - d. As-built engineering plans for the system. SWM Systems are not eligible for fee credits until the as-built plans have been accepted by the Department. If as-built plans do not exist for a practice, the Applicant must develop and submit these for review and acceptance to qualify for the credit.
 - e. A narrative of the known maintenance history of the system, including routine maintenance and significant Structural Maintenance and repair.
 - f. Information on any public funds used to repair, upgrade or Retrofit the system, including the dollar amount and date the repair, upgrade or Retrofit was made.
 - g. Completed calculation sheet, on a form provided by the Department, to determine the monetary amount of the claimed credit.
 - h. Initial Certification Report. An initial certification report must be prepared by a Professional Engineer or under the guidance of a Professional Engineer.
 - i. Initial certifications include an inspection report pursuant to Article II, Division 8.E. of these Regulations, or other format approved by the Department. The report must certify that the SWM System is functioning as originally designed, is operational and has been adequately maintained.
 - j. The initial certification report must be signed and sealed by the responsible Professional Engineer. The certification inspection must not be more than one year old at time of application.
- (2) Credit Recertification for Continued Credit. In order to remain eligible for a credit, a property Owner must submit to the Department, every three years and at the Owner's expense, a Private SWM System Credit Recertification application and report for approval by the Department.
- a. The recertification report must include photographs of each SWM System listed on the recertification form, a description of maintenance performed since the last recertification request and a copy of any maintenance records or invoices. The Owner must certify that the system continues to be operational and has been adequately maintained.
 - b. The recertification application must include an inspection report pursuant to Article II, Division 8.E. of these Regulations, or other format approved by the Department. The recertification inspection must be performed by a Professional Engineer, under the guidance of a Professional Engineer, or by a Person approved in accordance with Article II, Division 8.E. of these Regulations.
 - c. The report must include information on any public funds used to upgrade or Retrofit the system, including the dollar amount and date the upgrade or Retrofit was made.
- (3) Any maintenance or functional deficiencies must be remedied at the Owner's expense before the practice qualifies or is recertified for a SWM Utility Fee credit. In addition, maintenance or safety deficiencies must be addressed by the Owner in accordance with terms of the SWM System's SWM Easement and Maintenance Agreement.

D. Credits for Private SWM Retrofits Under Cost-Share Program.

- (1) The Department, at its sole discretion, may consider sharing up to 50 percent of the Retrofit construction costs for a Private SWM System that has been identified as a priority stormwater improvement in a City Watershed study, or if the Department determines the Retrofit will make a significant improvement to meeting current water quality and/or quantity controls for the Watershed. Any privately owned system that has been Retrofitted to meet current stormwater Standards using public funding must be eligible for a subsequent SWM Utility Fee credit only in accordance with the following:
 - a. The Retrofit project must be approved by the Department for the cost-share program.
 - b. The construction of the Retrofit must be completed to the satisfaction of the Department and all Department Permits for the Retrofit must be released at least six months prior to receiving credit.
 - c. The SWM practice's Ownership and structural and aesthetic maintenance must remain the responsibility of the private Owner.
 - d. If the practice was not functioning as originally designed prior to the Retrofit, the Owner will not be eligible for any fee credit until such time that the cumulative amount of credit that otherwise would have been allowed equals or exceeds the public investment in the Retrofit.
 - e. If the practice was functioning as originally designed prior to the Retrofit, the Owner is still eligible for a credit based on Article IV, Division 3.E.(2) of these Regulations. After the Retrofit, the Owner will be eligible for a credit based on Article IV, Division 3.E.(3) of these Regulations. Once the cumulative difference between the credit provided in Previous Standards Credit and Current Standards Credit (i.e., the difference between credit provided in Article IV, Division 3.E.(2) and Article IV, Division 3.E.(3) of these Regulations equals or exceeds the public investment in the Retrofit.
 - f. All necessary approvals and permits must be obtained for Retrofits before commencing disturbance or construction, including Sediment Control Permits, SWM Permits, Forest Conservation Permits and any applicable State or NRCS permits.
- (2) Nothing in this Article prohibits a property Owner from upgrading or Retrofitting a practice at the Owner's expense in accordance with the provisions of these Regulations to qualify for credit or to qualify for a higher credit.

E. Credit Amounts.

- (1) The credit amount is calculated as a reduction in Site Impervious Area. The credit is prorated based on the amount of impervious surface area located on the property draining to the SWM practice, and not the total amount of impervious surface cover on the Site. The credit may be prorated based on the percentage of SWM treatment volume provided in a practice as compared to the target treatment standard.

- (2) Previous Standards Credit. A SWM practice that is certified as functioning as originally designed, but does not meet the Standards established in the most recent version of the Maryland Stormwater Design Manual, makes the contributing impervious surface area eligible for a maximum cumulative credit of 20 percent against the SWM Utility Fee. Credits are allocated as follows:
 - a. A maximum of 10 percent credit is provided if the practice provides stormwater quality control.
 - b. A maximum of 10 percent credit is provided if the practice provides stormwater quantity control.
- (3) Current Standards Credit. A SWM practice that is certified as functioning as originally designed and meets the Standards established in the most recent version of the Design Manual makes the contributing impervious surface area eligible for a maximum cumulative credit of 50 percent against the SWM Utility Fee. Credits are allocated as follows:
 - a. A maximum of 25 percent credit is provided if the practice provides stormwater quality control for Water Quality Volume (WQv).
 - b. A maximum of 25 percent credit is provided if the practice provides stormwater quantity control for Channel Protection Storage Volume (Cp_v).
 - c. A maximum of 10 percent credit is provided if the practice provides only stormwater control for Recharge Volume (RE_v) and is a Structural SWM practice.
- (4) Where an eligible SWM practice meets the Standards established in the most recent version of the Maryland Stormwater Design Manual for quality, but not quantity, or vice versa, it is acceptable to combine (2) and (3) above accordingly. For example, impervious surface area draining to a practice that provides quality control in accordance with the Maryland Stormwater Design Manual, but provides quantity control under an older standard, would be eligible for a maximum of 35 percent credit (25 percent for quality plus 10 percent for quantity). However, the cumulative credit must not exceed 50 percent, except for practices that meet the Additional Quantity Reduction Credit.
- (5) The Owner of an eligible private practice that treats off-Site Impervious Area located within the City may take an additional credit for treating the off-Site Impervious Area, provided that in no case will the total credit exceed the total amount of the SWM Utility Fee charged to the property on which the practice is located.
- (6) Additional Quantity Reduction Credit. A maximum of 100 percent credit is provided to impervious surface areas draining to On-Site SWM practices that retain the difference in Runoff volume between the 100-year Post-Development storm event and the 100-year Pre-Development Condition storm event.
- (7) The cumulative credits for a property will in no case exceed the total amount of the SWM Utility Fee charged to the property.

F. Affirmative Duty and Timing.

- (1) It is the sole responsibility of the property Owner to apply for a credit.
- (2) A property Owner may apply for a credit at any time in accordance with the following:

- a. Credit applications must be submitted before March 1 and approved before May 1 to qualify for credit on the current year's bill. Any credit application approved on or after May 1 will be applied to the following year's bill.
- b. The SWM Utility Fee will not be prorated for a credit approved by the Department during the billing year. Any approved credits will be applied to the next billing cycle.

DIVISION 4. CODOMINIUM FEES

A. Introduction.

The fees for Condominium units will be billed directly to the Owners of record for all Condominium units. The fee for the Condominium property will be charged in equal shares based on the total number of units attributed to the Condominium by the State Assessment Office and Montgomery County Treasury Division, including any garage units, storage units or ancillary units associated with the Condominium, unless an alternative methodology is approved by the Director, as authorized by Sec.19-117 of the Rockville City Code.

B. Alternate Methodology.

- (1) A Condominium's Council of Unit Owners, Board of Directors, or other entity authorized to act on behalf of the unit Owners in accordance with the Condominium's bylaws, may request that the Director approve an alternative methodology for billing fees associated with the Condominium units. The request must be made in writing and accompanied by a copy of a resolution or direction from the Condominium's Council or Board authorizing that such a request be made.
- (2) Upon request, the Department will provide to the Condominium Council or Board information regarding the Impervious Surface Measurement for its property to assist in choosing an appropriate methodology for billing and allocating the SWM Utility Fee among unit Owners.
- (3) The Condominium's Council or Board may request a billing system based on percentages of common expenses assigned to unit Owners as established in the Condominium's bylaws.
- (4) The Director may reject any or all methodologies based on cost and/or factors that make the MDE methodology impractical under the circumstances.

DIVISION 5. COMMON AREA FEES

A. Introduction.

The fees for Common Areas owned by Community Associations will be billed to the Community Association unless an alternative methodology is approved by the Director, as authorized by Sec. 19-117 of the Rockville City Code.

B. Alternative Methodology.

- (1) A Community Association may request that the Director approve an alternative methodology for billing fees associated with the Common Area owned by the Association. The request must be made in writing and accompanied by a copy of a resolution of the Association's Board of Directors authorizing that such a request be made.
- (2) Upon request, the Department will provide to the Community Association information regarding the Impervious Surface Measurement for its Common Areas to assist the association in choosing an appropriate methodology for billing and allocating the SWM Utility Fee for Common Areas among its members.
- (3) The Director may approve any appropriate billing methodology for a specific Community Association, including but not limited to, billing the Owners of semi-detached and Townhouses located on separate residential lots a SWM Utility Fee that includes each lot's share of the Impervious Surface Measurement for the Common Areas. The fee for each such residential lot will be calculated as follows:
 - a. Determine the sum total of all Impervious Surface Measurement in square feet for all semi-detached and Townhouse residential lots plus all lots held in common Ownership.
 - b. Divide the sum total Impervious Surface Measurement by the number of square feet comprising an ERU to get the total number of Equivalent Residential Units, rounding up to the next whole number.
 - c. Multiply the ERUs by the total ERUs to determine the total fee for the aggregated lots, including the Common Areas.
 - d. Divide the total fee for the aggregated lots, including the Common Areas, by the number of semi-detached and Townhouse residential lots. This is the amount billed to each semi-detached and Townhouse residential lot.
 - e. No fee is billed to the Community Association.
- (4) The Director may reject any or all methodologies based on cost and/or factors that make the MDE methodology impractical under the circumstances.