

West Chester Borough Stream Protection Fee Program Appeal Policies and Procedures Manual

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Introduction

The Borough has established a Stream Protection Fee (SPF) which will provide a dedicated funding source for the ongoing expenses associated with the Borough’s stormwater management system and compliance with Pennsylvania Department of Environmental Protection Municipal Separate Stormwater System (MS4) permit requirements. All developed parcels in the Borough will be required to pay the fee, which is based on the impervious coverage of the parcel. Property owners are entitled to appeal the user fee in accordance with the procedures in this manual and the Stream Protection Fee Ordinance (“SPF Ordinance”).

Overview

Property owners are entitled to appeal the user fee, per Section 11 – “Appeals” of the SPF Ordinance. This manual has been prepared to detail the policies and application procedures by which a property owner can appeal the SPF.

Appeal of Stream Protection Fee

Objective

The appeal process is established to provide relief if a property owner believes the provisions of the SPF Ordinance have been applied in error. A property owner may appeal in accordance with the provisions described in greater detail in this manual.

Appeals Policies

The basis for an appeal may include, but is not limited to the following:

1. Incorrect parcel information;
2. Inaccurate impervious area calculation;
3. Inaccurate Tier category assignment;
4. Mathematical error;
5. Brownfield sites remediated in accordance with [PA Act 2](#).

A Special Conditions Appeal (SCA) which addresses a circumstance where the property owner can demonstrate that the stormwater runoff from their parcel is not placing the same demand on the Borough system or services provided under the stormwater program as other impervious area. A property owner may appeal their SPF as a Special Conditions Appeal (SCA), provided the owner can demonstrate that:

6. Their parcel(s)’s stormwater runoff impact on the stormwater system or services is significantly less than suggested by its amount of impervious area; and
7. Their parcel or a portion thereof drains completely outside of the Borough.

All applicants must be current with their stormwater fees in order to be eligible for a SCA.

Application

For all appeals, the property owner must submit an application using the Appeal Application form provided by the Borough and include supporting documentation as further described herein.

Appeals Application Procedures

Application Forms

Application Forms are available in Appendix A as well as in electronic format on the Borough’s website.

Application Deadline

The appeal application must be filed by March 31st.

Application Fee

There is no fee to file an appeal which alleges an error or inaccuracy within the billing system. The application fee for an appeal alleging an improper Tier classification or for a Stormwater Special Conditions Appeal is listed in accordance with the Borough's current fee schedule. All fees are non-refundable regardless of the outcome of the appeal. Application fees may be paid by check or money order made out to The Borough of West Chester Stormwater Program.

Documentation Requirements

The property owner must provide the following documentation with the appeal

1. A completed and signed application form.
2. A plot plan, map, aerial image or similar information detailing actual impervious surfaces currently on-site.
3. A requested value for the correct impervious area/ associated with the property for which an appeal is being requested.
4. Application Fee (check or money order)

For SCAs, the applicant must provide all of the above, and the following additional item:

5. A plot plan, map, aerial image or similar information delineating the drainage areas or patterns on-site.

The Borough may request additional documentation in order to aid in review of the appeal.

Submission of Appeals Application

The completed application, supporting documentation, and any applicable non-refundable application fee may be submitted via email to spf-program@west-chester.com or by mail to:

Borough of West Chester Stormwater Program
401 E. Gay Street
West Chester, PA 19380

Determination

The Borough will review the required documentation and a written approval or denial of the appeal application will be issued by the Director of Public Works.

Appeal of Determination

In accordance with the SPF Ordinance, any person aggrieved by any decision of the Borough Manager may appeal to the Court of Common Pleas of Chester County, Pennsylvania.

Billing Error Corrections

If an appeal alleging a billing error is successful, the Borough staff will correct the associated billing information.

Special Condition Appeal Reduction of Stormwater Fee

If a SCA is approved, the maximum amount that the SPF may be reduced is 50%. The reduction in fee will only be applied to the portion of the impervious area that the property owner has demonstrated has less impact

on the system or program of services and drains outside of the Borough. The following calculation will be applied:

SCA Fee Reduction= (Impervious Area Impacted) * (Stormwater User Fee per 1,000 SF Impervious Area) * (50%)

Administration of Appeals

If an appeal results in the reduction of the property's SPF, the Borough will provide a credit to the property owner for the next SPF that comes due. If the property owner has paid in-full the annual SPF prior to the decision on the appeal, the Borough will send the appropriate amount of refund to the property owner.

Appendix A

Appeal Application



BOROUGH OF WEST CHESTER
CHESTER COUNTY PENNSYLVANIA

STREAM PROTECTION FEE APPEAL APPLICATION

The Borough has established a Stream Protection Fee (SPF) and all developed parcels in the Borough are required to pay the fee, which is based on the impervious coverage of the parcel. Property owners are entitled to appeal the user fee in accordance with the procedures in the Appeals Manual and the Stream Protection Fee Ordinance 2015-##

Submit completed form: spf-program@west-chester.com
or mail to:

*Borough of West Chester Stormwater Program
401 E. Gay Street, West
Chester, PA 19380*

Application Date:	SPF Account No.:
Owner Name:	Mailing Address:
Property Address:	
Phone Number:	Email Address:

Reason for Appeal (Check all that apply):

- Incorrect parcel information
- Inaccurate impervious area calculation
- Inaccurate Tier category assignment
- Mathematical error
- Brownfield site remediated within accordance of PA Act 2

Special Condition Appeal

If the applicant is choosing this appeal, both reasons below must be true:

The stormwater runoff impact on the stormwater system or services is significantly less than suggested by its amount of impervious area and applicant's parcel or a portion thereof drains completely outside of the Borough.

Supporting Documentation Checklist (provide all items listed below)

- Copy of SPF Bill
- Plot plan, map, aerial image or similar information detailing actual impervious surfaces currently on-site
- Requested value for the correct impervious area/ associated with the property for which an appeal is being requested (provide in Description, page 2)
-

Appeal Description

Provide detailed description of the billing error and your interpretation of corrected information. Attach additional sheets as necessary. Photographs are not required, but helpful.

I attest that the information provided in this Appeal Application is complete and accurate:

Applicant Signature: _____

Borough Use Only

Date Received: _____

Reviewed By: _____

Status: Approved
 Approved with Modifications
 Additional Information Needed
 Denied

Notes: _____

Date Responded: _____