



**City of New Castle
Lawrence County, Pennsylvania**

**Stormwater Program and
User Fee Credit Manual**

Prepared for:

**City of New Castle
230 N. Jefferson Street
New Castle, PA 16101**

**New Castle Sanitation Authority
102 E. Washington Street
New Castle, PA 16101**

**Prepared by:
R.A.R. engineering group, inc.
1135 Butler Avenue
New Castle, PA 16101**

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City of New Castle

Stormwater Program and User Fee Credit Manual

1. Introduction

1.1. Overview

The City of New Castle (the City) has established a Stormwater Program and User Fee to create a dedicated funding source for the operation and maintenance of the City's extensive stormwater infrastructure. All developed parcels in the City will be required to pay the fee, which is based on the impervious coverage of the parcel.

A credit program has been developed per the City of New Castle Ordinance Article 933-Stormwater Management Program and User Fee to allow owners to apply for a credit for implementing and maintaining stormwater best management practices (BMPs) on their parcel(s) to reduce the rate and volume of stormwater that enters the storm sewer system; to provide on-site stormwater quality benefits; or for directly discharging to a surface water body. By implementing such measures, parcel owners are helping to reduce the demand on the existing system or related City services. This manual has been prepared to detail the policies and application procedures for available credits.

The primary goals of the City's credit program are to:

- Increase public support for the stormwater fee by enhancing the equity of the fee by recognizing ongoing stormwater management activities on private property which can result in cost avoidance for the City's Stormwater Program;
- Maintain a high level of functionality of the existing stormwater infrastructure and maximize the system's current capacity;
- Limit the need for expansion of the City's stormwater related infrastructure and defray the associated future capital costs;
- Encourage private investment in installing and maintaining private stormwater management systems.

The Credit policy, which encourages and incentivizes the ongoing operation and maintenance of BMPs on private property, will focus on those activities that help to minimize peak flows and runoff volumes as well as on-going management of those facilities that help to protect local water quality by managing stormwater pollution.

1.2. Stormwater Credits

Owners that install BMPs to reduce the stormwater flow or pollutant loading from their parcels can qualify to receive a reduction in their stormwater fee. BMPs are measures or facilities that prevent or reduce the transport of pollutants and/or control stormwater runoff volume or rate. Implementing such measures reduces the impact a site has on the downstream storm drainage system (both natural and man-made).

2. Definitions

Best Management Practice (BMP): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of stormwater runoff from a developed parcel.

Credit: The City's Stormwater Credit Program entails the following types of credits:

Peak Flow Attenuation: For Stormwater BMPs which manage peak flow in accordance with the City's Stormwater Management Ordinance.

Volume Control: For Stormwater BMPs which manage the volume of runoff in accordance with the City's Stormwater Management Ordinance.

Water Quality: For Stormwater BMPs which manage water quality in accordance with the City's Stormwater Management Ordinance.

Direct Discharge to Surface Water Body: For Stormwater that does not enter the municipal stormwater system, as determined by the City or its Engineer

Constructed Wetland: A shallow marsh system planted with emergent vegetation that is designed to treat stormwater runoff.

Detention basin: An earthen structure constructed either by impoundment of a natural depression or excavation of existing soil, that provides temporary storage of runoff and functions to reduce stormwater peak flows.

Developed Parcel: A parcel altered from a natural state that contains any impervious surface. Excludes parcels adjoining a Single Family Detached, owned by the same property owner, on which development is an impervious surface(s) that is of apparent residential use that would have been created on the Single Family Detached parcel had the adjoining lot not existed and been owned by the same property owner; i.e. garage, driveway, shed, pool, patio, etc.

Equivalent commercial unit (ECU): The measure of impervious ground cover for a commercial property used in assessing the fees for each parcel of commercial property, and which has been determined to be 2,500 square feet.

Green Roof: A roof cover with stormwater storage, growth media, and plant material designed to provide water quantity benefits by filtering stormwater and rainfall retention and detention through storage and plant uptake.

Impervious Surface: A surface that prevents the infiltration of water into the ground. Impervious surface (or area) includes, but is not limited to: roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any private streets and sidewalks. Any travel areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

Infiltration Basin: A shallow impoundment that stores and infiltrates runoff over a level, uncompacted, preferably undisturbed area with relatively permeable soils.

Infiltration Trench: A linear stormwater BMP consisting of a continuously perforated pipe at a minimum slope in a stone-filled trench.

Non-single family detached (NSFD): Any developed parcel not fitting the definition of single-family detached. NSFD shall include, but not be limited to, attached single-family houses, multifamily houses, townhouses and condominiums, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

Operation and maintenance: The associated costs of equipment and facilities, energy, manpower, materials, transportation and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, and administer the stormwater management system and shall include sums paid to defray costs of the City of New Castle's improvements to the stormwater management system.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in the City of New Castle.

Porous Pavement: A permeable surface such as porous asphalt, porous concrete, or various porous pavers, which allows water to infiltrate into the subsurface. A stone bed underneath the permeable surface provides temporary storage for peak rate control and promotes infiltration.

Raingarden (or bio-retention facility): An excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff.

Replacement: The associated costs of obtaining and installing equipment, infrastructure, accessories or appurtenances which are necessary during the service life of the stormwater management system so as to maintain the capacity and performance for which said system was designed and constructed and shall include costs associated with improvements to the stormwater management system.

Resident: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group residing in and/or paying rent on real property in the City of New Castle.

Single Family Detached (SFD): developed parcel containing one structure which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and shall include single-family houses, single-family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed parcels may be classified as “single-family detached” despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. “Single-family detached” shall not include developed land containing: structures used primarily for nonresidential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks; or other multiple-unit residential properties such as apartments, condominiums and town homes.

Stormwater management system: The system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging and/or treating stormwater.

Stormwater: The water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Undeveloped parcel: A parcel that does not meet the definition of developed parcel.

User: Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefitting from or being served by the public stormwater management system.

User fee: The sums assessed, imposed and to be collected from each developed lot, parcel, building or portion thereof which uses, benefits from or is serviced by the stormwater management system or which discharges stormwater, directly or indirectly, into the public stormwater management system, for the use of and the service rendered and improvement of such system. The stormwater fee applied to each base billing unit, or 2,500 square feet of impervious surface.

3. General Credit Policies

3.1. Eligibility

To be eligible to receive credits, applicants must be current with their stormwater fees.

All developed properties, exclusive of single family detached, will be eligible for credit provided that a stormwater BMP has been installed and that the owner can demonstrate that the facility is functioning as intended. To ensure consistency and to ensure that reductions in peak rate, volume and water quality pollution are measurable, the policy will only include those facilities that can demonstrate compliance with the City's Stormwater Management Ordinance and/or the Pennsylvania State Best Management Practices Manual. To provide a legal framework for enforcement, a signed or documented maintenance agreement with the City will be required. A copy of the city's standard maintenance agreement is included in Appendix B.

3.2. Credit Types

The City of New Castle currently offers these types of credits:

- Peak Flow Credit
- Volume Control Credit
- Water Quality Credit
- Direct Discharge to surface water body (without using municipal stormwater system)

3.3. Calculation of Credits

Credit will only be applied to the impervious area on-site which drains to an eligible BMP facility. That is credit will only be applied to the portion of the fee for which the associated impervious area is managed by an approved stormwater BMP.

3.4. Maximum Credit

Credits may be applied cumulatively based upon credit type and will only be applied to the impervious area on-site which drains to an eligible BMP facility.

For Stormwater BMPs which manage water quality in accordance with the City's Stormwater Management Ordinance, the maximum credit will be 10%.

For Stormwater BMPs which manage the volume of runoff in accordance with the City's Stormwater Management Ordinance, the maximum credit will be 15%.

For Stormwater BMPs which manage peak flow in accordance with the City's Stormwater Management Ordinance, the maximum credit will be 40%. Credit will be granted in relation to the design storm managed by the BMP on the following basis:

- Up to 10% for management of the 10-year event
- Up to 20% for management of the 25-year event
- Up to 30% for management of the 50-year event
- Up to 40% for management of the 100-year event

For Direct Dischargers to surface water body (without using municipal stormwater system) who can document through Stormwater Management Plans prepared by an engineer and approved by the City of New Castle, as well as document the acquisition of all local, state, and federal permits and have no permit violations. The maximum credit will be 100%.

Following the application of any approved credit, in no event shall any Non-Single Family Detached (NSFD) parcel be charged less than one Single Family Detached.

Parcels benefiting from cap stipulated in Article 933 – Stormwater Management Program and User Fee shall be limited to credits under this section, OR the credit already afforded by the cap, whichever is greater.

3.5. Water Quality Credit

A stormwater credit of up to 10% is available to applicants who have installed a BMP that provides water quality benefits for runoff from impervious surfaces on their site.

Eligible BMPs must manage water quality in accordance with the City Ordinance Article 934 – Stormwater Management.

Water quality functions are based on performance by BMP as stated in the Pennsylvania Stormwater BMP Manual. The Pennsylvania Best Management Practices Manual provides design standards, construction guidelines, and operation and maintenance requirements for Water Quality BMPs. A professional engineer will be able to provide the appropriate design documents.

The amount of credit earned is determined by the type of BMP installed, the number of BMPs installed, the percentage of the impervious area on the site that drains to the BMP, and the percentage of the area that directly discharges to a surface water body. The credit will only be applied to the portion of the impervious area on-site which drains to the eligible facility. The following formula will determine the amount of credit earned by a BMP.

$$\text{Water Quality Credit Earned} = (\text{Impervious Area Managed}) * (\text{Stormwater User Fee per ECU}) * (10\%)$$

BMPs which may potentially be eligible for water quality credits may include the following:

Facility Type
Raingardens / Bio-retention basins
Constructed wetlands
Porous pavement
Green roofs
Infiltration trenches

Notes:

BMPs are not limited to those listed.

The Owner will be responsible for providing design documentation to support the BMP meets the applicable performance standards of the City Ordinance. In addition, an operation and maintenance plan is required and must be documented with the City.

Final Awarded Credit Value is subject to City Approval.

3.6. Volume Control Credit

A stormwater credit of up to 15% is available to applicants who have installed a BMP that provides volume control for runoff from impervious surfaces on their site.

Eligible BMPs must control volume in accordance with the City Ordinance Article 934 – Stormwater Management.

Volume control should be calculated per the methodologies included in the Pennsylvania Stormwater BMP Manual. The Pennsylvania Best Management Practices Manual provides design standards, construction guidelines, and operation and maintenance requirements for Volume Control BMPs. A professional engineer will be able to provide you with the appropriate design documents.

The amount of credit earned is determined by the type of BMP installed, the number of BMPs installed, and the percentage of the impervious area on the site that drains to the BMP. The credit will only be applied to the portion of the impervious area on-site which drains to the eligible facility. The following formula will determine the amount of credit earned by a BMP.

$$\text{Volume Control Credit Earned} = (\text{Impervious Area Managed}) * (\text{Stormwater User Fee per ECU}) * (15\%)$$

BMPs which may potentially be eligible for volume control credits may include the following:

Facility Type
Infiltration Basins
Raingardens / Bio-retention basins
Porous Pavement
Infiltration Trenches

Notes:

BMPs are not limited to those listed.

The Owner will be responsible for providing design documentation to support the BMP meets the applicable performance standards of the City Ordinance. In addition, an operation and maintenance plan is required and must be documented with the City.

Final Awarded Credit Value is subject to City.

3.7. Peak Flow Credit

A stormwater credit of up to 40% is available to applicants who have installed a BMP that provides peak rate control for runoff from impervious surfaces on their site.

Eligible BMPs must control volume in accordance with the City Ordinance Article 934 – Stormwater Management.

Peak rate control should be calculated per the methodologies included in the Pennsylvania Stormwater BMP Manual. The Pennsylvania Best Management Practices Manual provides design standards, construction guidelines, and operation and maintenance requirements for Peak Rate Control BMPs. A professional engineer will be able to provide you with the appropriate design documents.

The amount of credit earned is determined by the type of BMP installed, the number of BMPs installed, and the percentage of the impervious area on the site that drains to the BMP and the storm event managed as follows:

- Up to 10% for management of the 10-year event
- Up to 20% for management of the 25-year event
- Up to 30% for management of the 50-year event
- Up to 40% for management of the 100-year event

The credit will only be applied to the portion of the impervious area on-site which drains to the eligible facility. The following formula will determine the amount of credit earned by a BMP.

$$\text{Peak Rate Control Credit Earned} = (\text{Impervious Area Managed}) * (\text{Stormwater User Fee per ECU}) * (\text{Eligible Credit \%})$$

BMPs which may potentially be eligible for peak flow credits may include may include the following:

Facility Type
Detention Basins
Infiltration Basins
Constructed Wetlands

Notes:

BMPs are not limited to those listed above.

The Owner will be responsible for providing design documentation to support the BMP meets the applicable performance standards of the City Ordinance. In addition, an operation and maintenance plan is required and must be documented with the City.

Final Awarded Credit Value is subject to City Approval (see section 3.15).

3.8. Direct Discharge to Surface Water Body Credit

The amount of credit earned is determined by the percentage of property that directly discharges to a surface water body (without using municipal stormwater system). This must be documented through Stormwater Management Plans prepared by an engineer and approved by the City of New Castle. The applicant must have all local, state, and federal permits and have no documented violations of these permits. The Owner will be responsible for providing all documentation as deemed appropriate by the City or its Engineer to support the credit request. In addition, an operation and maintenance plan is required and must be documented with the City. The maximum credit will be 100%.

$$\text{Direct Discharge Credit Earned} = (\text{Percentage of Area That Does Not Directly Discharge to Surface Water Body}) * (\text{Stormwater User Fee per ECU})$$

3.9. Credit Requests

The parcel owner (or an approved representative thereof) must submit a completed Stormwater Fee Credit Request Form and all required documentation. Application and documentation requirements are detailed in the following section.

3.10. Credit Request Forms

The application form is provided in Appendix A.

Hard copies may be obtained at the City of New Castle, 230 N. Jefferson Street, New Castle, PA 16101.

3.11. Application Deadline

All credit requests must be received by September 30th to be considered for a credit during the current calendar year. Applications received after September 30th will be reviewed and any credits approved will be applied in the next calendar year.

3.12. Application Fee

The application fee is \$50 (non-refundable) and must be included with the application form.

The City will notify applicants if their applications are incomplete. If complete information is not provided, applications will expire one (1) year from the date of the original submission. Once an application expires, the customer must submit a new credit application with all supporting documentation and fee.

3.13. Documentation Requirements

At the time of application, the owner(s) will need to provide the following documentation:

- Complete and Signed Application Form;
- Design documentation/engineering analysis of the BMP facility;
- As-built plans and/or construction drawings acceptable to the City (for projects utilizing construction drawings, the plans must be accompanied by a Letter of Certification from the Engineer of Record that project was built in accordance with the construction plans);
- Owner's Operation and Maintenance Plan;
- Owner's Inspection and maintenance logs for most recent period.

3.13.1. Maintenance Documentation Requirements

In order to be eligible for a credit, the owner must demonstrate (at their expense) that the facility is being maintained. This requirement may be waived if the City has recently inspected the facility and has found it to be in good working order.

3.13.2. Maintenance Agreement

In order to be eligible for a credit, a signed and documented maintenance agreement with the City is required. Under the maintenance agreement, the owner must allow the City access to the site to view and inspect the stormwater BMP at the City's discretion.

A sample maintenance agreement is provided in Appendix B.

3.14. Application Submission

The completed application, supporting documentation, and non-refundable application fee must be submitted to:

City of New Castle
230 N. Jefferson Street
New Castle, PA 16101
Attn: Stormwater Fee Credit Request

3.15. Credit Approval

The City or its Engineer will review the required documentation and final approval or denial of the credit application will be issued. The applicant will be notified by letter of the approval of credits.

3.15.1. Appeal of Credit Determination

Appeal of the determination can be made in accordance with Section 13 – “Appeals Procedures” of the City of New Castle’s Stormwater User Fee Ordinance.

3.16. Issuance of Credits

The City will reimburse approved credits in the form of a rebate. As payments are made on a monthly basis, the rebate will be applied proportionately to any of the previous payments received within the calendar year prior to issuance of the final credit value and any remaining payments may be adjusted accordingly. Credits will not be issued for calendar years prior to the year of credit approval, (i.e. credits approved in 2019 will only be retroactive to January of 2019). If the owner has paid in-full their annual stormwater fee prior to the issuance of a credit, a rebate for the full credit amount that calendar year will be issued.

3.17. Credit Renewal

Stormwater credits will be valid for three (3) years after which they will require renewal. Prior to expiration, a credit renewal application must be submitted to the City along with annual maintenance records for the previous three (3) years. The application must be submitted no later than September 30th of the year that the credit expires. The City will allow self-certification of maintenance and inspection records to be submitted at the time of renewal.

Note: Credits will need to be renewed in order for the owner to continue to receive credit on their stormwater fee. Should the owner fail to submit a renewal application, the credit(s) will expire. The City may require expired credits to undergo recertification/re-application.

3.18. Site Inspections

After a customer submits a credit or credit renewal application, the City may inspect the parcel(s) to verify the information provided in the application and in the supporting documentation. It is the responsibility of the customer to allow the City access to the parcel. Failure to provide access allows the City to deny the Credit Application.

Following submission of a credit or credit renewal application, the customer shall grant the City, its employees or authorized agents permission to enter the parcel on providing forty-eight (48) hour notice and, in any case, at reasonable times and without unreasonable disruption, to inspect the parcel to ensure that the information provided in the application accurately represents the current parcel conditions.

If a City inspection determines that the facility is not being maintained, the credit can be revoked. The City may choose to withhold credit until the owner can demonstrate the BMP has been restored to good working order and appropriate maintenance plans are in place.

3.19. Termination of Credits

The City may review and terminate any approved credits at any time if the BMPs associated with those credits are found to be improperly maintained and/or not adequately functional or the owner fails to restore the BMP to good working order following notification by the City. The City may review and terminate any approved credits at any time if it determines that a discharge to the municipal stormwater system exists and conflicts the credit request application and documentation that afforded the credit.

APPENDIX A:
STORMWATER FEE CREDIT
REQUEST FORM



Stormwater Fee Credit Request Form

Return form to: City of New Castle, 230 N. Jefferson Street,
New Castle, PA 16101 Attn: Stormwater Fee Appeals

This form is for property owners to request a credit to the Stormwater Fee based on Stormwater Management Controls/Best Management Practices installed and adequately maintained as reviewed and approved by the City and/or its Municipal Engineer.

Owner/Applicant Contact Information:

Name: _____

Mailing Address: _____

Daytime Phone Number: _____ Email: _____

Appeal Property Information:

Site Address: _____

Account No.: _____

Reason for Appeal - Please Complete Page 2

Certification:

I certify that the above information is, to the best of my knowledge, correct and represents a complete and accurate statement. By signing below, I agree to allow City of New Castle representatives and/or its Municipal Engineer to verify and review the above information (as deemed necessary).

(Signature)

(Print Name)

(Date)

Please include the following with your Credit Request:

- * Complete and Signed Form
- * Application Fee (non refundable) \$50.00
- * A site plan, map, aerial image or similar information delineating the drainage areas. Provide approximate location of Stormwater Management Controls on this.

City of New Castle Use Only

Date Received: _____ Received By: _____

Application Administratively Complete: _____

Credit Request Determination

Approved

Denied

Initial Impervious Area (Est.): _____ Revised Impervious Area (Est.): _____

Initial Stormwater Fee: _____ Revised Stormwater Fee: _____

Date Determination Made: _____ By: _____

Date Sent to Billing Department: _____

Date Sent to Owner/Applicant: _____

APPENDIX B:
STANDARD MAINTENANCE AGREEMENT

**OPERATION AND MAINTENANCE AGREEMENT
FOR
STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)
STORMWATER MANAGEMENT PROGRAM AND USER FEE CREDIT PROGRAM**

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the “Owner”), and The City of New Castle, Lawrence County, Pennsylvania, (hereinafter “The City”);

WITNESSETH WHEREAS, the Owner is the owner of certain real property in the City of New Castle (hereinafter “Property”) and identified by Parcel Identification (ID) Number(s)
_____.

WHEREAS, the Owner has built and developed the Property; and

WHEREAS, the SWM Site Plan approved by the City (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Exhibit A and made a part hereof, as approved by the City, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the City, and the Owner, his successor and assigns, agrees that the health, safety, and welfare of the residents of the City of New Castle and the protection and maintenance of water quality require that on-site SWM BMPs be operated and maintained on the Property; and

WHEREAS, the City requires, through the implementation of the Plan, that stormwater BMPs as designed in said Plan be adequately operated and maintained by the Owner, successors and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Owner shall operate and maintain the BMP(s) as shown on the Plan in good working order in accordance with the specific maintenance requirements noted on the Plan for the duration of the approved credit period.
2. The Owner hereby grants permission to the City, its authorized agents, and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMP(s) periodically in the discretion of the City. Whenever possible, the City shall notify the Owner prior to entering the property.
3. In the event the Owner fails to operate and maintain the BMPs per paragraph 1, The City reserves the right to revoke any credits awarded under the credit program.
4. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Owner and to provide a mechanism to recognize said maintenance through the application of credits under the City’s Stormwater Management Fee Program; provided, however, that this Agreement shall not be deemed to create or effect any

additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

5. The Owner, its executors, administrators, assigns, and other successors in interest, shall release the City from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives for the construction, presence, existence, or maintenance of the BMPs by the Owner or the City.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For The City:

For the Owner:
