

Chapter 125

STORMWATER MANAGEMENT

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[HISTORY: Adopted by the Borough Council of the Borough of Manchester 10-10-2011 by Ord. No. 2011-76; amended in its entirety 8-8-2022 by Ord. No. 2022-2. Subsequent amendments noted where applicable.]

**ARTICLE I
General Provisions**

§ 125-1. Short title.

This chapter shall be known and may be cited as the "Manchester Borough Stormwater Management Ordinance."

§ 125-2. Statement of findings.

The Borough Council of Manchester Borough finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases runoff volumes, flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- B. A comprehensive program of stormwater management (SWM), including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of the people of the commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource that provides groundwater recharge for water supplies and supports the base flow of streams.
- D. The use of green infrastructure and low-impact development (LID) is intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge; 2) evapotranspire; and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of predevelopment hydrology.
- E. Federal and state regulations require certain municipalities to implement a program of stormwater controls called a Municipal Separate Storm Sewer System (MS4) Program. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES) program.

§ 125-3. Purpose.

The purpose of this chapter is to promote health, safety, and welfare within the Borough and its watershed by minimizing the harms and maximizing the benefits described in § 125-2 of this chapter, through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this commonwealth.
- B. Preserve natural drainage systems.
- C. Manage stormwater runoff close to the source, reduce runoff volumes and mimic predevelopment hydrology.
- D. Provide procedures and performance standards for stormwater planning and management.

- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper operation and maintenance of all stormwater best management practices (BMPs) that are implemented within the Borough.
- H. Provide standards to meet and enforce NPDES permit requirements.
- I. Create a platform with which to advocate and grow the use of low-impact development procedures and green infrastructure.

§ 125-4. Statutory authority.

The Borough is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code,¹ as amended, and/or the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the Stormwater Management Act.

§ 125-5. Applicability.

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this chapter.

§ 125-6. Repealer.

Any other ordinance provision(s) or regulation of the Borough inconsistent with any of the provisions of this chapter is hereby repealed to the extent of the inconsistency only.

§ 125-7. Severability.

In the event that a court of competent jurisdiction declares any section or provision of this chapter invalid, such decision shall not affect the validity of any of the remaining provisions of this chapter.

§ 125-8. Compatibility with other requirements.

Approvals issued and actions taken under this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

§ 125-9. Erroneous permit.

Any permit or authorization issued or approved based on false, misleading, or erroneous information provided by an applicant is void without the necessity of any proceedings for

1. Editor's Note: See 53 P.S. § 10503(1.1).

revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by the Council, agency, or employee of the Borough purporting to validate such a violation.

§ 125-10. Waivers.

- A. If the Borough determines that any requirement under this chapter cannot be achieved for a particular regulated activity, the Borough may, after an evaluation of alternatives, approve measures other than those in this chapter, subject to § 125-10B and C.
- B. Waivers or modifications of the requirements of this chapter may be approved by the Borough if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the chapter is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the chapter. A request for modifications shall be in writing and accompany the stormwater management site plan submission. The request shall provide the facts on which the request is based, the provision(s) of the chapter involved, and the proposed modification.
- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Borough unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

§ 125-11. (Reserved)

ARTICLE II

Definitions

§ 125-12. Interpretation.

- A. For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:
 - (1) Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.
 - (2) The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
 - (3) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
 - (4) Any term defined within 25 Pa. Code Chapter 102 shall be the default definition.

- B. These definitions do not necessarily reflect the definitions contained in pertinent regulations or statutes and are intended for this chapter only.

§ 125-13. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY — Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

APPLICANT — A landowner, developer, or another person who has filed an application to the Borough for approval to engage in any regulated activity at a project site in the Borough.

BEST MANAGEMENT PRACTICE (BMP) — Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this chapter, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low-impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

BOROUGH — The Borough of Manchester, York County, Pennsylvania.

CG-1 — A standard method for design flood estimation in ungauged catchments that investigates set design storms characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.

CG-2 — A simplified method for design storm estimation that is focused on capturing and removing the first flush of stormwater runoff. This method is applicable to designing projects with a land disturbance of 0.5 acre or less.

CLEAN WATER ACT (CWA) — The federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 through 1387.

CLEANING AGENT — Any product, substance, or chemical other than water that is used to clean.

CONSERVATION DISTRICT — A conservation district, as defined in Section 3(c) of the Conservation District Law [3 P.S. § 851(c)] that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

DEP — The Pennsylvania Department of Environmental Protection.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a five-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also, see "return period."

DETENTION VOLUME — The volume of runoff that is captured and released into the waters of the commonwealth at a controlled rate.

DEVELOPMENT SITE (SITE) — See "project site."

DISTURBED AREA — An unstabilized land area where an earth disturbance activity is occurring or has occurred.

EARTH DISTURBANCE ACTIVITY — A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

EROSION — The natural process by which the surface of the land is worn away by water, wind, or chemical action.

EXISTING CONDITION — The dominant land cover during the five-year period immediately preceding a proposed regulated activity.

FEMA — Federal Emergency Management Agency.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. It also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS — Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

GREEN INFRASTRUCTURE — Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

HEC-RAS (HYDROLOGICAL ENGINEERING CENTER - RIVER ANALYSIS SYSTEM) — A hydraulic modeling program based on four types of analysis in rivers: Steady Flow, Unsteady Flow, Sediment Transport, and Water Quality Analysis. Models simulate the flow in natural riverbeds or artificial channels to determine water levels using

various data inputs. HEC-RAS analyses are primarily developed for flood studies and determining potential drainage impacts to waterways.

HYDROLOGIC SOIL GROUP (HSG) — Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS²).

ILLICIT CONNECTION — Any physical connection to a municipal separate storm sewer system that can convey illicit discharges into the system.

ILLICIT DISCHARGE — Any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except nonstormwater discharges as described in the "Discharges Authorized by this General Permit" section of this General Permit. Examples of illicit discharges include dumping of motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, animal wastes, or unauthorized discharges of sewage, industrial waste, restaurant wastes, or any other nonstormwater waste into a municipal separate storm sewer system. Illicit discharges can be accidental or intentional.

IMPAIRED WATERS — Surface waters that fail to attain one or more of their designated uses under 25 Pa. Code Chapter 93 and as listed in Categories 4 and 5 of Pennsylvania's Integrated Water Quality Monitoring and Assessment Report.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) — A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds, and similar structures; and any new streets, driveway, access drives, parking areas, and sidewalks. Any areas designed to be covered by loose surfacing materials such as gravel, stone, and/or crushed stone and intended for storage of and/or travel by motorized or nonmotorized vehicles or travel by pedestrians shall be considered impervious. Surfaces or areas designed, constructed, and maintained to permit infiltration as specified herein may be considered pervious. For the purposes of this chapter, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two-year, twenty-four-hour storm event.

KARST — A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

LAND DEVELOPMENT (DEVELOPMENT) — Inclusive of any or all of the following meanings:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more buildings; or

2. Note: See § 125-61A and B.

- (2) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds condominiums, building groups, or other features;
- B. Any subdivision of land;
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.³

LOW IMPACT DEVELOPMENT (LID) — Site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration, evapotranspiration, and reuse of rainwater. LID can be applied to new development, urban retrofits, and revitalization projects. LID utilizes design techniques that infiltrate, filter, evaporate, and store runoff close to its source. Rather than rely on costly large-scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on site.

MUNICIPAL SEPARATE STORM SEWER — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to surface waters;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2. [25 Pa. Code § 92a.32(a) and 40 CFR 122.26(b)(8)]

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — All separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems pursuant to 40 CFR 122.26(b)(4), (b)(7), and (b)(16), respectively, or designated under 40 CFR 122.26(a)(1)(v). [25 Pa. Code § 92a.32(a) and 40 CFR 122.26(b)(18)]

MUNICIPALITY — The Borough of Manchester, York County, Pennsylvania.

NONSTRUCTURAL BMPs — Actions that involve management and source controls such as: 1) policies and ordinances that provide requirements and standards to direct growth to identified areas, promote redevelopment, protect areas such as wetlands and riparian areas, maintain and/or increase open space, provide buffers along water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation; 2) education programs for developers and the public about minimizing water quality impacts; 3) measures such as minimizing the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures such as good

3. Editor's Note: See 53 P.S. § 10503(1.1).

housekeeping, maintenance, and spill prevention; and other BMPs as referenced in the current version of the Pennsylvania Stormwater BMP Manual.

NRCS — Natural Resources Conservation Service, a subset of the United States Department of Agriculture.

ORDINANCE — This chapter or the Manchester Borough Stormwater Management Ordinance.

OUTFALL — A point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to surface waters and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other surface waters and are used to convey surface waters. [25 Pa. Code § 92a.32(a) and 40 CFR 122.26(b)(9)]

OWNER or OPERATOR — The owner or operator of any "facility" or "activity" subject to regulation under the NPDES program. [25 Pa. Code § 92a.3(b)(1) and 40 CFR 122.2]

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

PERMITTEE — The owner or operator of a regulated small MS4 authorized to discharge under the terms of this General Permit.

PERVIOUS AREA — Any area not defined as impervious.

POINT SOURCE — A discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated aquatic animal production facility (CAAP), concentrated animal feeding operation (CAFO), landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

POLLUTANT — Any contaminant or other alteration of the physical, chemical, biological, or radiological integrity of surface water which causes or has the potential to cause pollution as defined in Section 1 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.1. (25 Pa. Code § 92a.2)

PROJECT SITE — The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.

PSRM — The Penn State Runoff Model.

PULS METHOD — The Modified PULS routing method, also known as storage routing or level-pool routing, is based upon a finite difference approximation of the continuity equation, coupled with an empirical representation of the momentum equation (Chow, 1964; Henderson, 1966).

QUALIFIED PROFESSIONAL — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this chapter.

REGULATED ACTIVITIES — Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

REGULATED EARTH DISTURBANCE ACTIVITY — Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92,⁴ 25 Pa. Code Chapter 102, or the Clean Streams Law.⁵

RETENTION VOLUME/REMOVED RUNOFF — The volume of runoff that is captured and not released directly into the surface waters of this commonwealth during or after a storm event.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the twenty-five-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a twenty-five-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

RIPARIAN BUFFER — A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

RUNOFF — Any part of precipitation that flows over the land.

SCS CURVE NUMBER METHOD — The SCS curve number method is simple, widely used, and an efficient method for determining the approximate amount of runoff from a rainfall event in a particular area. Although the method is designed for a single storm event, it can be scaled to find average annual runoff values. The curve number is based on the area's hydrologic soil group, land use, treatment, and hydrologic condition.

SEDIMENT — Soils or other materials transported by surface water as a product of erosion.

STATE WATER QUALITY REQUIREMENTS — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.⁶

STORMWATER — Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

STORMWATER MANAGEMENT FACILITY — Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities.

STORMWATER MANAGEMENT SITE PLAN — The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this chapter. "Stormwater management site plan" will be designated as "SWM site plan" throughout this chapter.

STRUCTURAL BMPs — Stormwater storage and management practices including, but not limited to, wet ponds and extended detention outlet structures; filtration practices such as grassed swales, sand filters, and filter strips; infiltration practices such as infiltration basins

4. Editor's Note: Chapter 92 of Title 25 of the Pennsylvania Code was reserved 10-8-2010, effective 10-9-2010. It was replaced by Chapter 92a, National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance.

5. Editor's Note: See 35 P.S. § 691.1 et seq.

6. Editor's Note: See 35 P.S. § 691.1 et seq.

and infiltration trenches; and other BMPs as referenced in the current version of the Pennsylvania Stormwater BMP Manual.

SUBDIVISION — As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.⁷

SURFACE WATERS — Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 92a.2)

TOTAL MAXIMUM DAILY LOAD (TMDL) — The sum of individual waste load allocations for point sources, load allocations for nonpoint sources and natural quality, and a margin of safety expressed in terms of mass per time, toxicity, or other appropriate measures. (25 Pa. Code § 96.1)

URBANIZED AREA (UA) — Land area comprising one or more places [central place(s)] and the adjacent densely settled surrounding area (urban fringe) that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile, as defined by the United States Bureau of the Census and as determined by the latest available decennial census. The UA outlines the extent of automatically regulated areas.

USDA — United States Department of Agriculture.

WASTELOAD ALLOCATION (WLA) — The portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

WATER QUALITY CRITERIA — Numeric concentrations, levels, or surface water conditions that need to be maintained or attained to protect existing and designated uses. (25 Pa. Code § 93.1)

WATER QUALITY STANDARDS — The combination of water uses to be protected and the water quality criteria necessary to protect those uses. (25 Pa. Code § 92a.2)

WATERS OF THIS COMMONWEALTH — Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth.

WATERSHED — Region or area drained by a river, watercourse, or other surface water of this commonwealth.

WETLAND — Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

7. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE III

Stormwater Management Standards**§ 125-14. General requirements.**

- A. Regulated activities are subject to the following permitting requirements:
- (1) Regulated activities that propose up to 500 square feet of new impervious (measured cumulatively from the adoption date of this chapter) qualify to pay a fee in lieu of completing a stormwater management plan. Payment of a fee does not alleviate the applicant from the management of stormwater or the regulatory requirements of this chapter. This fee shall be determined by resolution.
 - (2) Regulated activities that propose 501 square feet to 2,000 square feet of new impervious area qualify for utilization of the small projects guide contained within this chapter. See Appendix D.⁸
 - (3) Regulated activities that propose greater than 2,000 square feet of new impervious area shall be required to submit a stormwater management plan that meets the requirements set forth in § 125-24.
 - (4) No regulated activities shall commence until the Borough issues written approval of a SWM site plan or other applicable authorization which demonstrates compliance with the requirements of this chapter.
- B. SWM site plans approved by the Borough, in accordance with § 125-29, shall be on site throughout the duration of the regulated activity.
- C. The Borough may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.⁹
- D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) beginning with initial topsoil removal and through the conversion and operation of all postconstruction stormwater management to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law.¹⁰ Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual¹¹), No. 363-2134-008, as amended and updated.
- E. Impervious areas:

8. Editor's Note: Appendix D is on file in the Borough offices.

9. Editor's Note: See 35 P.S. § 691.1 et seq.

10. Editor's Note: See 35 P.S. § 691.1 et seq.

11. Note: See § 125-61C.

- (1) The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
 - (2) For development taking place in stages, the entire development plan must be used in determining conformance with this chapter.
 - (3) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this chapter; except that the volume controls in § 125-16 and the peak rate controls of § 125-17 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.
- F. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written approval of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this chapter. Water discharges cannot be discharged within 10 feet of the property line unless there is an existing easement or approval from the neighboring property owner is obtained.
- G. All regulated activities shall include such measures as necessary to:
- (1) Protect health, safety, and property.
 - (2) Meet the water quality goals of this chapter by implementing measures to:
 - (a) Minimize disturbance to floodplains, wetlands, and wooded areas.
 - (b) Maintain or extend riparian buffers.
 - (c) Avoid erosive flow conditions in natural flow pathways.
 - (d) Minimize thermal impacts to waters of this commonwealth.
 - (e) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - (3) Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual¹²). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this chapter, the SWM site plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.
- H. The design of all facilities over karst geology shall include an evaluation of measures to minimize adverse effects.
- I. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.
- J. Normally dry, open-top, storage facilities should completely drain both the volume control and rate control capacities over a period of time not more than 72 hours from the end of the design storm.

12. Note: See § 125-61D.

- K. The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the latest version of the Precipitation-Frequency Atlas of the United States, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 145 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- L. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law,¹³ and the Storm Water Management Act.¹⁴ Various BMPs and their design standards are listed in the BMP Manual.¹⁵
- M. Financial security for the completion of stormwater management facilities is set forth in § 125-31 of this chapter.
- N. Prior to the full release of financial security, the applicant shall be responsible for providing a record plan of all stormwater management facilities included in the approved stormwater management plan. The record plan and an explanation of any discrepancies with the design plans shall be submitted to the Borough or its designee for final approval. The record plan shall include a final certification as required by Chapter 102¹⁶ from an engineer, landscape architect, surveyor, or other qualified person registered in the commonwealth of Pennsylvania.

§ 125-15. Exemptions.

- A. Agricultural activity is exempt from the SWM site plan preparation requirements of this chapter, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- B. Forest management and timber operations are exempt from the SWM site plan preparation requirements of this chapter, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- C. The use of land for domestic (i.e., for a single individual dwelling unit) gardening and landscaping is exempt from specific approval and permitting under this chapter so long as such activities comply with all other applicable ordinances and statutes.
- D. Exemptions from any provisions of this chapter shall not relieve the applicant from the requirements in § 125-14D through L.
- E. The Borough may deny or revoke any exemption pursuant to this section at any time for any project that the Borough believes may pose a threat to public health and safety or the environment.

13. Editor's Note: See 35 P.S. § 691.1 et seq.

14. Editor's Note: See 32 P.S. § 680.1 et seq.

15. Note: See § 125-61D.

16. Editor's Note: See 25 Pa. Code Chapter 102.

§ 125-16. Volume controls.

Green Infrastructure and Low Impact Development practices provided in the BMP Manual¹⁷ shall be utilized for all regulated activities wherever possible. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. This chapter establishes that only the Design Storm Method may be used for regulated activities that add greater than 1/2 acre of new impervious area or disturb greater than one acre of total area.

- A. The Design Storm Method (CG-1 in the BMP Manual¹⁸) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
- (1) Do not increase the postdevelopment total runoff volume for all storms equal to or less than the two-year, twenty-four-hour-duration precipitation.
 - (2) For modeling purposes:
 - (a) Existing (predevelopment) nonforested pervious areas must be considered meadow in good condition.
 - (b) Twenty percent of existing impervious areas to be disturbed by the project, when present, shall be considered meadow in good condition in the model for existing conditions. Regulated activities not requiring an NDPES permit are exempt from this requirement.
- B. The Simplified Method (CG-2 in the BMP Manual¹⁹) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable for regulated activities that add greater than 1/2 acre of new impervious area or for projects that require routing of stormwater storage facilities. For new impervious surfaces:
- (1) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
 - (2) At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
 - (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases, at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
 - (4) This method is exempt from the requirements of § 125-17, Rate controls.

17. Note: See § 125-61D.

18. Note: See § 125-61D.

19. Note: See § 125-61D.

§ 125-17. Rate controls.

- A. For computation of predevelopment peak discharge rates, 20% of existing impervious areas to be disturbed by the project, when present, shall be considered meadow. Regulated activities not requiring an ND PES permit are exempt from this requirement.
- B. Postdevelopment discharge rates shall not exceed the predevelopment discharge rates for the one-, two-, five-, ten-, twenty-five-, fifty-, and 100-year, twenty-four-hour storm events. If it is shown that the peak rates of discharge indicated by the postdevelopment analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for one-, two-, five-, ten-, twenty-five-, fifty-, and 100-year, twenty-four-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

§ 125-18. Riparian buffers.

- A. In order to protect and improve water quality, a riparian buffer easement shall be created and recorded as part of any subdivision or land development that encompasses a riparian buffer.
- B. Except as required by DEP Chapter 102, Erosion and Sediment Control, the riparian buffer easement shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of 35 feet from the top of the stream bank (on each side).
- C. Minimum management requirements for riparian buffers.
 - (1) Existing native vegetation shall be protected and maintained within the riparian buffer easement.
 - (2) Whenever practicable invasive vegetation shall be actively removed, and the riparian buffer easement shall be planted with native trees, shrubs, and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.
- D. The riparian buffer easement shall be enforceable by the Borough and shall be recorded in the appropriate County Recorder of Deeds office so that it shall run with the land and shall limit the use of the property located therein. The easement shall allow for the continued private ownership and shall count toward the minimum lot area required by zoning unless otherwise specified in the Borough Zoning Ordinance.²⁰
- E. Any permitted use within the riparian buffer easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or maintain the stream stability, and preserve and protect the ecological function of the floodplain.
- F. The following conditions shall apply when public and/or private recreation trails are permitted within riparian buffers:
 - (1) Trails shall be for nonmotorized use only.

20. Editor's Note: See Ch. 149, Zoning.

- (2) Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.
- G. Septic drainfields and sewage disposal systems shall not be permitted within the riparian buffer easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

§ 125-19. Design criteria.

- A. Off-site areas. Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site for the 100-year storm.
- B. On-site areas. On-site areas proposed to remain undisturbed as part of the regulated activity, including previously developed areas, shall be considered as existing conditions.
- C. Downstream hydraulic capacity analysis. Downstream capacity hydraulic analysis shall be conducted in accordance with this chapter.
 - (1) All downstream facilities impacted by the total site area of the regulated facility shall be studied to determine if the facility has adequate capacity to handle existing and proposed flows. An impacted downstream facility is one to which the runoff from the total site area of the regulated activity comprises more than 50% of the total flow to such a facility. The study shall end at a perennial stream unless directed otherwise by the Borough Engineer. Downstream facilities include, but are not limited to, man-made or natural swales and open channels, pipes, inlets, culverts, bridges, and roadways.
 - (2) If any facility is found to be undersized, the applicant shall be responsible for evaluating the impact of the regulated activity and mitigating any negative impacts.
- D. Regional detention alternatives. For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the stormwater management plan.
- E. Capacity improvements may also be provided as necessary to implement any regional or subregional detention alternatives.
- F. Watershed integrity. Stormwater runoff shall not be transferred from one watershed to another unless the watersheds are subwatersheds of a common watershed that join together within the perimeter of the property. The transfer of watersheds may be

permitted in the event the transfer does not alter the peak discharge onto downstream lands, or drainage easements are acquired from the affected landowners.

G. Design standards - collection systems:

- (1) Storm sewer pipes, other than those used for street subbase underdrains, shall have a minimum diameter of 15 inches. Structural calculations that address the actual design requirements will be required where installation conditions merit.
- (2) Storm sewer pipes and culverts shall be installed with a minimum slope of 0.5%.
- (3) Allowable pipes, culvert, and bridge materials shall be as outlined in the Borough's Construction and Material Specifications.
- (4) All storm sewer crossings of streets shall not deviate by more than 15° from perpendicular to the street center line.
- (5) Design storm frequency to be used for:
 - (a) All storm sewer pipes, culverts, bridges, gutters, and swales (excluding outfall structures from stormwater management facilities) conveying water originating only from within the boundaries of the project site shall be designed for a twenty-five-year storm event.
 - (b) All storm sewer pipes, culverts and bridges, gutters and swales conveying water originating from off site shall be designed for a fifty-year storm event with provisions to pass the 100-year storm safely through the site.
 - (c) Culverts under sole access drives or streets to a developed property shall be designed to convey the 100-year storm event without roadway overtopping.
 - (d) Drainage and access easements shall be provided to encompass the water surface limits of the 100-year storm event throughout the project site and to provide access from a public street to the stormwater facility. Easements shall begin at the furthest upstream property line of the proposed development in the watershed.
 - (e) When a pipe or culvert is intended to convey the discharge from a stormwater management facility, its required capacity shall be computed by the rational method and compared to the peak outflow from the stormwater facility for the 100-year storm. The greater flow shall govern the design of the pipe or culvert.
 - (f) When a pipe is part of a storm sewer system and crosses the roadway, it shall be designed as a storm sewer with the same design storm as the remainder of the drainage system.
 - (g) A 100-year storm frequency may be required for the design of the stormwater collection system to ensure that the runoff from the postdevelopment storm is directed into the intended management facility.
 - (h) Proposed channels or swales must be able to convey the increased runoff associated with a proposed 100-year return period event within their banks at velocities consistent with protection of the channels from erosion.

Acceptable velocities shall be based upon criteria included in the PADEP Erosion and Sediment Pollution Control Program Manual.

- (6) All storm sewer pipes and culverts shall be laid to a minimum depth of 12 inches from finished subgrade to the crown of the pipe in paved and grassed areas, or more if specified by the manufacturer.
- (7) Curves or angle points in pipes or box culverts without the use of an inlet or manhole are prohibited unless preapproved by the municipality. Tee joints, elbows, and wyes shall be limited for use in constructing underground detention facilities, underground retention facilities, underdrain systems, and roof leader collection systems.
- (8) Manholes, inlets, headwalls, endwalls, and end sections shall conform to the requirements of the PennDOT, Publication 408.
- (9) Inlets shall be:
 - (a) Placed on both sides of the street at low spots;
 - (b) At a maximum of 600 feet apart along a storm sewer pipe run, and at points of abrupt changes in the horizontal or vertical directions of storm sewers;
 - (c) Shall normally be along the curblines at or beyond the curb radius points;
 - (d) Within the street right-of-way;
 - (e) Designed with a maximum gutter spread (based on the twenty-five-year storm event) no greater than 1/2 of the travel lane width and have a maximum depth of three inches at the curblines; a parking lane shall not be considered as part of the travel lane;
 - (f) Designed at intersections and access driveways to allow the depth of flow to be less than 1 1/2 inches (for the twenty-five-year storm event);
 - (g) In general, inlets shall be spaced such that, based upon the rational method, $t_c = 5$ min. and ten-year rainfall intensity, the area contributing to the inlet shall not produce a peak runoff of greater than 4 cfs. Also, inlets shall be spaced so that their efficiency, based upon efficiency curves published by the Pennsylvania Department of Transportation, is not less than 65%.
- (10) Flow velocities from any storm sewer may not result in erosion of the receiving channel. Adequate erosion protection shall be provided along all open channels and at all points of discharge.
- (11) All other storm sewer manholes and inlets shall have smooth flow lines grouted.
- (12) Headwalls and endwalls shall be used where stormwater runoff enters or leaves the storm sewer horizontally from a natural or man-made channel. In all cases where drainage is picked up by means of a headwall, the pipe shall be designed as a culvert. Inlet and outlet conditions shall be analyzed. PennDOT type "dw" headwalls and endwalls shall be utilized for pipes 15 inches and larger in diameter. End sections shall be utilized for pipes smaller than 15 inches in diameter.

- (13) Guards shall be provided on all intake and outfall structures as well as outlet structures. The guard bars shall be one-half-inch diameter galvanized bars or six-inch centers attached to the structure with three-eighths-inch diameter stainless steel anchors. Guards shall also be provided for any pipe opening, 18 inches in diameter or larger.
- (14) For all swales, capacities, and velocities shall be computed using the Manning Equation. The following design considerations shall be met:
 - (a) Two analyses of channel velocity and stability shall be provided with each swale design. One analysis shall be based upon the swale in an unvegetated state with control matting, and the second shall consider the channel in permanent, designed conditions.
 - (b) All swales shall have a minimum slope of 1% unless otherwise approved by the Municipal Engineer.
- (15) Placement or use of BMPs within the public street right-of-way shall be prohibited.

H. Design standards - general BMP regulations:

- (1) The design of all BMP facilities shall incorporate best engineering practices. The design engineer shall utilize all available design criteria in the BMP Manual to meet the requirements of this chapter and shall provide all the necessary backup documentation with their submittal.
- (2) The BMPs must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in "special protection" streams, as required by statewide regulations at 25 Pa. Code Chapter 93.
- (3) No regulated earth disturbance activities within the Borough shall commence until approval by the Borough of a plan that ensures postconstruction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters.

I. Design standards - subsurface infiltration facilities:

- (1) Positive overflow must be provided in the subsurface infiltration facility. Overflow structures or pipes must be designed to convey the inflow capacity of the facility. Volume control credits may not be used above the lowest invert of the positive overflow structure or pipe.
- (2) The minimum allowable distance between a subsurface infiltration facility and structure/building/retaining wall is 10 feet.
- (3) The subsurface infiltration facility must be located at least two feet above any limiting zone, i.e., seasonal high groundwater table, bedrock, or poorly infiltrating soils.
- (4) Soils with rates exceeding 10 inches per hour require soil amendments. During construction, upon reaching the subgrade of the infiltration facility, a two-foot-

thick layer of soil amendments must be spread across the entire facility bottom area, below the designed bottom of the facility. Soil media infiltration rate must be provided upon design.

- (5) The infiltration facility must include an acceptable form of pretreatment before stormwater enters the facility. An acceptable form of pretreatment includes an inlet with an eighteen-inch sump and one-inch diameter weep holes. Other forms of pretreatment must be approved by the Borough Engineer.
- (6) Subsurface infiltration facilities may not use a geotextile liner to separate the storage area from the subgrade. Geotextile liners may only be used on the sides and top. AASHTO Class 1 or Class 2 geotextile is recommended.
- (7) Subsurface infiltration facilities must contain a cleanout or observation well at the end of any portion of underdrain. The observation well or cleanout must be placed at the invert of the stone bed and extend up to grade. Adequate inspection and maintenance access to the observation well or cleanout must be provided.
- (8) In subsurface infiltration facilities that include chamber, pipe, or other storage systems, a sufficient number of access features must be provided to efficiently inspect and maintain the infiltration area.
- (9) Perforated distribution pipes must contain a bedding of at least four inches separating the pipe and subgrade.
- (10) Infiltration testing standards set forth in the Appendix C²¹ shall be followed when designing a subsurface infiltration facility.

J. Design standards; detention and retention basins.

- (1) Permanent detention and retention basins shall be designed to meet the following standards:
 - (a) The maximum permitted depth for detention or retention basins shall be six feet, measured from the bottom of the emergency spillway to the lowest point in the basin.
 - (b) The minimum top width of all basin embankments shall be eight feet.
 - (c) The maximum permitted inside side-slopes for detention or retention basins shall be 4 to 1 vertical. Three-to-one vertical inside side-slopes may be approved upon furnishing an appropriate planting schedule. The maximum permitted outside side-slopes shall be 3 to 1 vertical and utilize a seed mix designed for embankments. Areas for vehicle access shall be provided and encompassed by a twenty-foot-wide easement and shall have slopes no greater than 5 to 1 vertical. The proposed vegetation shall be low-maintenance varieties.
 - (d) Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this chapter shall be designed to provide an emergency

21. Editor's Note: Appendix C is included as an attachment to this chapter.

spillway to handle flow up to and including the 100-year, twenty-four-hour design storm at postdevelopment conditions, assuming the principal outlet structure to be clogged. The height of the embankment must be set as to provide a minimum of one foot of freeboard above the maximum elevation computed. Should any stormwater management facility require a dam safety permit under PADEP 25 Pa. Code, Chapter 105, the facility shall be designed in accordance with PADEP 25 Pa. Code Chapter 105, and meet the regulations of PADEP 25 Pa. Code Chapter 105 concerning dam safety which may be required to pass storms larger than the 100-year event.

- (e) A cutoff trench composed of four feet wide of impervious material shall be provided within all basin embankments.
- (f) Where a basin embankment is constructed using fill on an existing fifteen-percent-or-greater slope, the basin must be keyed into the existing grade.
- (g) Fencing. Any aboveground stormwater management detention/retention facility that is designed to store at least a two-foot depth of runoff shall be subject to the following fencing requirements:
 - [1] The stormwater facility must be completely surrounded by a chain-link fence of not less than four feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Borough.
 - [2] All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times, when not in actual use.
- (h) All outlet structures and emergency spillways shall include a nonerosive means of energy dissipation at its outlet to assure conveyance and flow without endangering the safety and integrity of the basin and the downstream drainage area.
- (i) Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum twenty-five-foot separation from on-lot disposal systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the Borough on a case-by-case basis. However, the separation shall not be less than the PADEP-required 10 feet. Infiltration rates shall be based upon perc and probe tests conducted at the site of the proposed facility.
- (j) Aboveground infiltration facilities shall provide a means of emergency dewatering of the facilities to the bottom elevation. If amended soils are used in the facility bottom, an underdrain shall be placed below or at the bottom of the amended soils to dewater the amended soils in emergency situations.

K. Design standards; rain gardens/bioretention facilities.

- (1) A rain garden/bioretention facility is an excavated shallow surface depression or storage area created by an earthen embankment in which amended soils are

planted with specific native vegetation to treat and capture runoff. Rain gardens shall meet the following design standards (Note: any SWM facility exceeding these design standards shall be considered a retention/detention basin and subject to their design standards):

- (a) The maximum ponding depth shall be 12 inches.
- (b) Infiltration testing standards set forth in Appendix C²² shall be followed when designing a rain garden facility.
- (c) The bottom of the rain garden storage area must be located at least two feet above any limiting zone, i.e., seasonal high groundwater table, bedrock, or poorly infiltrating soils.
- (d) Pretreatment shall be used in the design of the facility. Pretreatment can include structures such as sumped and trapped inlets, sediment/grit chambers or separators, media filters, inlet inserts, or other appropriate prefabricated or proprietary designs to remove sediment, floatables, and/or hydrocarbons from stormwater runoff prior to being conveyed to a rain garden/bioretention basin. A facility may be exempt from pretreatment at the discretion of the Borough Engineer.
- (e) Maximum side slopes for surface storage areas shall be 4(H):1(V).
- (f) Any stone storage systems incorporated into the rain garden design must be separated from the soil media by a geotextile liner. A geotextile liner shall not be used to separate the stone storage system from the subgrade. Stone storage systems shall have a level bottom or use a terraced system if installed along a slope.
- (g) In the event a sand layer is to be used as part of the underground filtration/storage system. The sand must be placed between the soil medium and stone storage. All sides of the sand must be separated by a geotextile liner.
- (h) The planting soil medium must have a minimum depth of 18 inches. Planting soil shall be a loam soil capable of supporting a healthy vegetative cover. Soils shall be amended with a composted organic material. At a minimum, the organic amended soil shall be combined with 20% to 30% organic material (compost) and 70% to 80% soil base (topsoil) free of clay. Amended soils shall be spread throughout the bottom floor of the facility.
- (i) Underdrains must be provided for all rain gardens and extend throughout the entire rain garden bottom. Underdrains must be surrounded by a stone layer with a minimum of four inches above and below the pipe.
- (j) Rain gardens that are used for volume control credits shall have an underdrain with a valve that is to remain closed at all times unless dewatering the facility to perform maintenance.

22. Editor's Note: Appendix C is included as an attachment to this chapter.

- (k) A sufficient number of cleanouts must be provided to access underdrains to allow for maintenance and inspection of the underdrain pipe.
- (l) Native plants shall be utilized and capable of supporting the proposed ponding depth. The designer shall refer to the PA DEP BMP Manual for a list of potential native plant species.

§ 125-20. Regulations governing SWM facilities.

- A. Any stormwater facility located on state highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- B. Any stormwater management facilities regulated by this chapter that would be located in or adjacent to waters of the commonwealth or wetlands shall be subject to approval by PADEP through the joint permit application process or, where deemed appropriate by PADEP, the general permit process. When there is a question of whether wetlands may be involved, it is the responsibility of the developer or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.
- C. Any stormwater management facility located within the vicinity of a floodplain shall be subject to approval in accordance with PADEP 25 Pa. Code Chapter 105, Floodplain Management, of PADEP's rules and regulations and the municipal floodplain management regulations.
- D. The design of all stormwater management facilities shall incorporate good engineering principles and practices. The Borough shall reserve the right to disapprove any design that would result in the occupancy or continuation of adverse hydrologic or hydraulic conditions within the watershed.
- E. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this chapter. New proposed discharge points shall be no closer than 10 feet to the property line in which they are located.
- F. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this chapter. If the diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other harm will result from the concentrated discharge.
- G. Where a development site is traversed by watercourses, twenty-foot-wide minimum drainage easements (10 feet from top of the bank out) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintaining of vegetation in a natural state within the easement shall be required, except as approved by the appropriate governing authority.

- H. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PADEP through the joint permit application process or, where deemed appropriate by PADEP, through the general permit process.
- I. Roof drains and sump pumps must not be connected to streets, sanitary or storm sewers, or roadside ditches. Roof drains and sump pumps shall be discharged to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. The municipality may permit the direct connection to streets or storm sewers on a case-by-case basis.
- J. Special requirements for areas falling within defined exceptional value and high-quality subwatersheds. The temperature and quality of water and streams that have been declared as exceptional value and high quality are to be maintained as defined in 25 Pa. Code Chapter 93, Water Quality Standards, Pennsylvania Department of Environmental Protection rules and regulations. Temperature-sensitive BMPs and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within 10 feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long-term maintenance schedule and management plan for the thermal control BMPs are to be established and recorded for all development sites within defined exceptional value and/or high-quality subwatersheds.
- K. The use of soil amendment, or amended soil, BMP shall not be utilized on residential use lots, except for lots which include other BMP facilities which utilize the soil amendment included in the facility design. Such as the use of soil amendment within infiltration basins or rain gardens.
- L. No SWM facilities shall be installed over existing utility mains or services.

§ 125-21. Calculation methodology.

- A. Stormwater runoff from all development sites shall be calculated using the Rational Method, Modified Rational Method, or a soil cover complex methodology.
 - (1) Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
 - (2) The Borough may allow the use of the Rational Method or Modified Rational Method to estimate peak discharges from drainage areas that contain less than

200 acres. When using the Rational Method, an ascending and descending limb factor of three and seven shall be used, respectively.

- (3) All calculations consistent with this chapter using the Soil Cover Complex Method shall use the appropriate design rainfall depths. If a hydrologic computer model such as PSRM or HEC-RAS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS Rainfall Type II curve shall be used for the rainfall distribution. Those projects proposing infiltration structures shall utilize this method.
- (4) When routing a detention basin, the Rational Method or SCS Method may be used to determine peak rates through the primary outlet structure. Only the SCS Method may be used to determine the peak water surface elevation during the 100-year, twenty-four-hour design storm, dictating the height of the embankment.
- (5) Underground storage facilities that solely receive stormwater and are designed to capture and infiltrate the entire 100-year, twenty-four-hour SCS runoff volume may have their drainage areas removed from the overall postdevelopment drainage area(s).
- (6) For the purposes of predevelopment flow rate determination, undeveloped land, including disturbed areas, shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or rational "C" value (i.e., forest), as listed in Tables 1 and 2,²³ respectively.
- (7) All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration for overland flow and return periods. Times of concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Time of concentration for channel and pipe flow shall be computed using Manning's equation.
- (8) Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table 1.²⁴
- (9) Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table 2.²⁵
- (10) Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations such as the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient(n) shall be consistent with Table 3.²⁶
- (11) The design of any stormwater detention facilities intended to meet the performance standards of this chapter shall be verified by routing the design

23. Editor's Note: Said tables are included as attachments to this chapter.

24. Editor's Note: Said table is included as an attachment to this chapter.

25. Editor's Note: Said table is included as an attachment to this chapter.

26. Editor's Note: Said table is included as an attachment to this chapter.

storm hydrograph through these facilities, using either manual methods or computerized routing. Routing shall be based upon the modified PULS method; other routing methodologies shall be subject to the approval of the Borough Engineer.

- (12) The stormwater collection system shall be designed using the peak discharge computed using the rational formula.

§ 125-22. Carbonate geology.

In areas of carbonate geology, a geologist shall certify to the following:

- A. No stormwater management facility will be placed in, over, or immediately adjacent to the following features:
- (1) Closer than 100 feet from sinkholes;
 - (2) Closer than 100 feet from closed depressions;
 - (3) Closer than 100 feet from caverns, intermittent lakes, or ephemeral streams;
 - (4) Closer than 50 feet from lineaments in carbonate areas;
 - (5) Closer than 50 feet from fracture traces;
 - (6) Closer than 25 feet from bedrock pinnacles (surface or subsurface).
- B. Stormwater resulting from regulated activities shall not be discharged into sinkholes.
- C. If the developer can prove through analysis that the project site is an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formation, then the project site is exempt from recharge requirements as described in § 125-17, Volume control. However, the project site shall still be required to meet all other standards found in this chapter.
- D. It shall be the developer's responsibility to verify if the project site is underlain by carbonate geology. The following note shall be attached to all stormwater management plans and signed and sealed by the developer's registered professional: "I, _____, certify that the proposed stormwater management facility (circle one) is/is not underlain by carbonate geology."
- E. Whenever a stormwater management facility will be located in an area underlain by carbonate geology, a geological evaluation of the proposed location by a geologist shall be conducted to determine susceptibility to sinkhole formation. The evaluation may include the use of impermeable liners to reduce or eliminate the separation distances listed in the BMP Manual. Additionally, the evaluation shall, at a minimum, address soil permeability, depth to bedrock, seasonally high groundwater table, susceptibility for sinkhole formation, suitability of stormwater management facilities, subgrade stability, and maximum infiltration capacity in depth of water per unit area.
- F. A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock,

susceptibility to sinkhole formation, and subgrade stability. The general process for designing the infiltration BMP shall be:

- (1) Site evaluation to determine general areas of suitability for infiltration practices.
 - (2) Provide field percolation tests throughout the area proposed for development to determine appropriate percolation rate and/or hydraulic conductivity. At least one infiltration test must be included in each soil group, and at least one infiltration test must be conducted for every five lots proposed for development. Infiltration tests must be taken at the location and depth of all proposed infiltration structures.
 - (3) Design infiltration structure for required storm volume based on all available data.
- G. Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend a hydrogeologic study be performed if necessary. Whenever a basin is located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over carbonate formations shall include measures to prevent groundwater contamination and, where necessary, sinkhole formation. The infiltration requirement in the high quality/exceptional waters shall be subject to the Department's 25 Pa. Code Chapter 93 and antidegradation regulations. A detailed hydrogeologic investigation may be required by the Borough, and where appropriate, the Borough may require the installation of an impermeable liner in detention basins.

§ 125-23. Erosion and sedimentation control requirements.

- A. As required in § 125-14D, whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Pa. Code Title 25, Environmental Protection, Part I, Subpart C, Article II, Chapter 102, Erosion and Sediment Control, and in accordance with the County Conservation District.
- B. It is extremely important that strict erosion and sedimentation control measures be applied surrounding infiltration structures during installation to prevent the infiltrative surfaces from becoming clogged. Additional erosion and sedimentation control design standards and criteria must be applied where infiltration BMPs are proposed shall include the following:
 - (1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase so as to maintain their maximum infiltration capacity.
- C. Fencing for sedimentation basins or traps must comply with § 125-21.
- D. The developer shall demonstrate that the postdevelopment hydrograph flows during erosion and sedimentation control phase are less than or equal to the predevelopment hydrograph flows to assure the rate and volume of runoff leaving the site is controlled

for the two-, five-, and ten-year frequency storms. All calculation methodology shall be in accordance with §§ 125-16 through 125-22.

- E. In the event a regulated activity falls under the DEP Chapter 102²⁷ thresholds for requiring a written erosion and sedimentation plan and/or NPDES permit, the applicant is still required to provide suitable erosion and sedimentation best management practices to prevent an illicit discharge caused by erosion during a precipitation event.

ARTICLE IV

Stormwater Management (SWM) Site Plan Requirements

§ 125-24. Plan requirements.

- A. Appropriate sections from the Borough's Subdivision and Land Development Ordinance,²⁸ and other applicable local ordinances, shall be followed in preparing the SWM site plans. In instances where the Borough lacks subdivision and land development regulations, the content of SWM site plans shall follow the county's Subdivision and Land Development Ordinance.
- B. The Borough shall not approve any SWM site plan that is deficient in meeting the requirements of this chapter. At its sole discretion and in accordance with this article, when a SWM site plan is found to be deficient, the Borough may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Borough may accept submission of modifications.
- C. Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the operation and maintenance (O&M) plan discussed in Subsection E(17) below.
- (1) A minimum twenty-foot-wide drainage easement shall be provided for all stormwater management facilities. Drainage easements shall provide for ingress and egress to a public right-of-way.
 - (2) A minimum twenty-foot-wide drainage easement shall be provided where the conveyance, treatment, of stormwater, either existing or proposed, is identified on the stormwater management plan. Drainage easements shall be provided to contain and convey the 100-year storm event.
 - (3) A note on the stormwater management plan indicating that nothing shall be placed, planted, set, or put within the area of an easement. No alterations to swales, basins, BMPs, or other stormwater management shall be permitted without prior approval.
 - (4) Stormwater management facilities not located within a public right-of-way shall be contained in and centered within a drainage easement. Easements shall follow property boundaries where possible.

27. Editor's Note: See Ch. 128, Subdivision and Land Development.

28. Editor's Note: See Ch. 128, Subdivision and Land Development.

D. The following signature block for the Borough:

"(Borough official or designee), on this date (Signature date), has reviewed and hereby certifies that the SWM site plan meets all design standards and criteria of the Borough Ordinance No. (number assigned to ordinance)."

E. The SWM site plan shall provide the following information:

- (1) A written report including an overall project description of the proposed stormwater management concepts, including a summary identifying specific LID and green infrastructure practices and the existing site conditions. Including stormwater runoff calculations for both predevelopment and postdevelopment conditions, including complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
- (2) A determination of site conditions in accordance with the BMP Manual.²⁹ A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography and other environmentally sensitive areas, such as brownfields.
- (3) All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown. If multiple facilities are used in conjunction with each other, such as infiltration BMPs with vegetation-based management practices, a summary narrative shall be included describing any sequencing and how the facilities are meant to function with each other to manage stormwater runoff in accordance with this chapter.
- (4) The sheet sizes shall be either 11 inches by 17 inches, 18 inches by 24 inches, 22 inches by 34 inches, or 24 inches by 36 inches. If the plan is prepared in two or more drawing sheets, a full-size drawing and key map showing the location of the sheets and a match line shall be placed on each sheet. Each sheet shall be numbered to show the relationship to the total number of sheets in the plan set.
- (5) Proposed name or identifying title of project.
- (6) Name and address of the landowner and applicant of the project site.
- (7) The limit of disturbance (LOD) shall be shown with its area labeled in square feet or acres.
- (8) Plan date and date of the latest revision to the plan.
- (9) North point, graphic scale and written scale. All plans shall be drawn at a scale sufficient to determine consistency with this and other Borough ordinances.
- (10) A table on the plan indicating the total acreage of the project site and the tract of land on which the project site is located, assumed square footage of impervious surface for each lot, and the assumed square footage of impervious surface permitted for each stormwater management facility.

29. Note: See § 125-61D.

- (11) A location map, for the purpose of locating the project site to be developed, at a minimum scale of 1,000 feet to the inch, showing the relation of the tract to adjoining property and to all streets and the Borough boundaries existing within 400 feet of any part of the tract of land on which the project site is proposed to be developed.
- (12) A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority as well as the Borough.
- (13) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
- (14) A hydrogeologic assessment of the effects of stormwater runoff on sinkholes, where present.
- (15) Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales. All plans and profiles should align vertically on the sheets for reference. All utility crossings shall be shown on these profiles.
- (16) SWM site plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
- (17) The SWM site plan shall include an O&M plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.
- (18) A justification must be included in the SWM site plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate, and water quality controls under this chapter.
- (19) A description of permanent stormwater management techniques, including the construction specifications and the materials to be used for stormwater management facilities.
- (20) A notarized signature of the owner of the parcel for which the SWM site plan is proposed indicating that they are aware of and will be responsible for operation and maintenance of the facilities.
- (21) A list of all requested waivers to the Stormwater Management Ordinance.
- (22) Existing features.
 - (a) Tract boundaries showing distances, bearings, and curve data, as located by field survey or by deed plotting.
 - (b) Existing contours at vertical intervals of one or two feet for land with an average natural slope of 20% or less and at vertical intervals of five feet for more steeply sloping land. The location of the benchmark and the datum used shall also be indicated.
 - (c) The names of all owners of all immediately adjacent unplatted land and the locations and dimensions of any streets or easements shown thereon.

- (d) The names, locations, and dimensions of all existing streets, railroads, watercourses, drainage facilities, floodplains, streams, lakes, ponds, and other water bodies, existing drainage courses, Karst features, and other significant features within 200 feet of any part of the tract proposed to be developed and the location of all buildings and structures.
 - (e) Other physical features including wetlands, sinkholes, areas of native vegetation to be preserved, including trees greater than two inches in diameter at breast height, woodlands, other environmentally sensitive areas, and the total extent of the upstream area draining through the project site.
 - (f) The locations of all existing utilities, including on-lot disposal systems and wells, sanitary sewers, and waterlines within 200 feet of the property lines.
 - (g) Soil boundaries and soil types as designated by the NRCS.
 - (h) Existing zoning districts and property line setbacks.
 - (i) A note on the plan identifying the presence or absence of carbonate geology. See § 125-22D of this chapter.
- (23) Proposed features.
- (a) The proposed land use, the number of lots and dwelling units, and the extent of commercial, industrial, or other nonresidential uses.
 - (b) The locations and dimensions of all proposed streets, parks, playgrounds, and other public areas, sewer and water facilities; lot lines and building locations; parking compounds, driveways, paved areas, and other impervious surfaces.
 - (c) The proposed changes to land surface and vegetative cover, including areas to be cut or filled.
 - (d) Proposed contours at vertical intervals of two feet for land with an average natural slope of 15% or less and at vertical intervals of five feet for more steeply sloping land.
 - (e) Finished elevations on tops of curbs at lot lines projected and lot corners. Elevations shall be shown to the nearest tenth of a foot.
 - (f) A summary table depicting the minimum lowest floor elevation, which includes the basement for all lots located immediately adjacent to the floodplain area.
 - (g) The location of any proposed on-lot disposal system, replacement drainfield easements, and water supply wells.
 - (h) The location of any proposed signage identifying the constructed BMP. Proposed signage shall be installed on any nonresidential property or property under the control of a homeowners' association or community association.

- (24) A summary table on the plan identifying all BMPs including BMP ID, drainage area to the BMP, name of receiving water body, the BMP's inspection and maintenance frequency, name of responsible person or organization at the time of stormwater management plan approval, and the lot numbers where the BMP is located.
- (25) The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the plan. Also to be included are the name, address, signature, and seal of any registered surveyor, professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the plan where applicable.
- (26) A planting plan is required for all vegetated stormwater BMPs.
- (a) Native or naturalized/noninvasive species suitable to the soil and hydrologic conditions of the site shall be used unless otherwise specified in the BMP Manual.
- (b) Invasive vegetation may not be included in any planting schedule. (See Invasive Plants in Pennsylvania as published by the Department of Conservation and Natural Resources.)
- (c) The limit of existing, native vegetation to remain shall be delineated on the plan along with proposed construction protection measures.
- (d) Prior to construction, a tree protection zone shall be delineated at the dripline of the tree canopy. The tree protection zone of trees scheduled to remain shall be marked. Groups of trees may be marked by a protection zone along the outermost dripline boundary. A forty-eight-inch-high snow fence or forty-eight-inch-high construction fence mounted on steel posts located eight feet on center shall be placed along the tree protection boundary. No construction, storage of material, temporary parking, pollution of soil, or regrading shall occur within the tree protection zone.
- (e) All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended in the American Standard of Nursery Stock.
- [1] Planting designs are encouraged to share planting space for optimal root growth whenever possible.
- [2] No staking or wiring of trees shall be allowed without a maintenance note requiring the stake and/or wire to be removed within one year of planting.

§ 125-25. Plan submission.

- A. All materials submitted to the Borough for review must be provided in PDF format.
- B. In addition, five physical paper copies of the stormwater management site plan shall be submitted as follows:

- (1) Two copies to the Borough.
- (2) One copy to the Borough Engineer (when applicable).
- (3) One copy to the County Conservation District.
- (4) Proof of NPDES application and permit obtained (when required).

§ 125-26. Plan review.

- A. SWM site plans shall be reviewed by the Borough for consistency with the provisions of this chapter.
- B. From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM site plan, is duly filed with the Borough, no change or amendment of the ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in § 508(4)(i) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508(4)(i).
- C. The Borough shall notify the applicant in writing within 45 days whether the SWM site plan is approved or disapproved. If the SWM site plan involves a subdivision and land development plan, the notification shall occur within the time period allowed by the Municipalities Planning Code (90 days). If a longer notification period is provided by another statute, regulation, or ordinance, the applicant will be notified by the Borough. If the Borough denies approval of the SWM site plan, the Borough will state the reasons for the denial in writing. The Borough may also approve the SWM site plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.
- D. For any SWM site plan that proposes to use any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required under this chapter, the Borough will not approve the SWM site plan unless it determines that green infrastructure and LID practices are not practicable.

§ 125-27. Modification of plans.

Modifications to a submitted SWM site plan that involve a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM site plan, as determined by the Borough, shall require a resubmission of the modified SWM site plan in accordance with this article.

- A. When reviewing a SWM site plan, whether or not the SWM site plan is included in a subdivision and/or land development plan application, the Borough may, after consulting with DEP, grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that such

modification will not be contrary to the public interest and that the purpose and intent of the chapter are observed.

- B. All requests for a modification from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM site plan and/or a subdivision or land development plan as applicable. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the chapter involved, and the minimum modification necessary.
- C. In granting any modification, the Borough may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act 167 Plan and this chapter.
- D. The Borough shall keep a written record of all action on requests for modifications. The response of any consultation and/or review by DEP shall be included as an original report if available or otherwise documented in the required written record.

§ 125-28. Resubmission of disapproved SWM site plans.

A disapproved SWM site plan may be resubmitted, with the revisions addressing the Borough's concerns, to the Borough in accordance with this article. The applicable review fee must accompany a resubmission of a disapproved SWM site plan.

§ 125-29. Authorization to construct and term of validity.

- A. SWM site plans independent of subdivision and land development plans. The Borough's approval of a SWM site plan, when such plan is submitted independent of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The Borough may specify a term of validity shorter than five years in the approval for any specific SWM site plan, particularly if the nature of the proposed SWM facilities require more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date the Borough signs the approval for an SWM site plan. If an approved SWM site plan is not completed according to § 125-30 within the term of validity, then the Borough may consider the SWM site plan disapproved and may revoke any and all permits. SWM site plans that are considered disapproved by the Borough may be resubmitted in accordance with § 125-28 of this chapter.
- B. SWM site plans included in a subdivision and/or land development plan. The Borough's approval of an SWM site plan, which is a part of a subdivision and/or land development plan, authorizes that plan and the regulated activities therein so that no subsequent change or amendment in this chapter or other governing ordinances or plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval, as specified in § 508(4)(ii) to (vii) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508(4)(ii) to (vii).

§ 125-30. As-built plans, completion certificate, and final inspection.

- A. The developer shall be responsible for providing the Borough with as-built plans of all SWM BMPs included in the approved SWM site plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Borough.
- B. The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted at the central location of the BMPs. If any licensed, qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- C. After receipt of the completion certification by the Borough, the Borough may conduct a final inspection.
- D. The financial guarantee, as discussed under § 125-31, shall not be released by the Borough until the items in this section are completed.

§ 125-31. Financial security.

- A. The applicant shall provide financial security to the Borough to assure the timely installation and proper construction of all stormwater management facilities, including but not limited to erosion and sediment control measures and BMPs as required by the approved stormwater management plan and this chapter. The posting and administration of financial security to guarantee the completion of required improvements and common amenities shall comply with the provisions of this section, the MPC,³⁰ and other applicable laws of the commonwealth. Those projects that qualify for the usage of the small projects guide shall not be required to provide financial security.
- B. All financial security shall be prepared by the applicant in the form required by the Borough and in a form and content acceptable to the Solicitor for the Borough. The amount of the security shall be calculated in accordance with Article V of the MPC.³¹ The following are acceptable forms of security. All other forms of security shall be individually approved by the Borough.
 - (1) Letter of credit. A letter of credit provided by the applicant from a financial institution or other reputable institution subject to the approval of the Borough. This letter shall be deposited with the Borough and shall certify the following:
 - (a) That the creditor does guarantee funds in an amount equal to 110% of the cost of completing all required improvements.
 - (b) In case of failure on the part of the applicant to complete the specified improvements within the required time period or notification by the financial institution that the letter of credit will not be renewed, the creditor shall pay to the Borough immediately and without further action, such

30. Editor's Note: See 53 P.S. § 10101 et seq.

31. Editor's Note: See 53 P.S. § 10501 et seq.

funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

- (c) The letter of credit may not be withdrawn or reduced in amount until released by the Borough.
- (2) Surety performance bond. A security bond from a surety bonding company authorized to do business in the commonwealth of Pennsylvania. The bond shall be payable and in a form acceptable to the Borough.
- (3) Escrow account. A deposit of cash with the Borough or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Borough of an agreement between the financial institution and himself guaranteeing the following:
 - (a) That the funds of said escrow account shall be held in trust until released by the Borough, as appropriate, and may not be used or pledged by the applicant as security in any other manner during that period.
 - (b) In the case of a failure on the part of the applicant to complete said improvements, then the institution shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.
 - (c) As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to authorize the release of such portions of the financial security associated with the completed improvements. Requests for the partial release of financial security as the work of installing the required improvements proceeds shall be made and governed by the MPC.³²
 - (d) At such time that the applicant has completed and installed the required improvements, the elected officials shall consider the applicant's request for a release from the improvement guarantee in accordance with the procedure set forth in the MPC.³³
 - (e) At the completion of the project, and as a prerequisite for the release of the financial security, the applicant shall provide record plans in accordance with § 125-30.
 - (f) Upon receipt of the record plans and prior to the release of the remaining financial security per § 125-30D, the Borough shall conduct a final inspection to certify compliance with this chapter.
- C. In the event that any improvements which are required by this chapter have not been installed as provided in this chapter or in accordance with the approved stormwater management plan, the Borough may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the

32. Editor's Note: See 53 P.S. § 10101 et seq.

33. Editor's Note: See 53 P.S. § 10101 et seq.

improvements covered by said security, the elected officials may, at their option, install part of such improvements in all or part of the stormwater management plan and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

ARTICLE V

Construction Inspections

§ 125-32. Schedule of inspections.

- A. The Borough Engineer or their assignee shall inspect phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Borough Engineer. It is the responsibility of the permittee to notify the Borough Engineer 48 hours in advance of the beginning of construction of stormwater management facilities. Individual residential on-lot stormwater management systems shall be inspected by Borough staff or appointed personnel.
- B. During any stage of the work, if the Borough Engineer determines that the permanent stormwater management facilities are not being installed in accordance with the approved stormwater management plan, the Borough shall revoke any existing approvals issued under this chapter until a revised drainage plan is submitted and approved, as specified in this chapter.

ARTICLE VI

Operation and Maintenance

§ 125-33. Responsibilities of developers and landowners.

Unless otherwise noted or if a facility is located within a Borough right-of-way, operation and maintenance of stormwater management facilities and conveyance systems is the sole responsibility of the property owner or assigns, in perpetuity.

- A. The Borough shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan. The Borough may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a requirement is not an indication that the Borough will accept the facilities. The Borough reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- B. Facilities, areas, or structures used as SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The O&M plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the Borough, with the exception of necessary maintenance activities such as mowing.

- E. The Borough may take enforcement actions against an owner for any failure to satisfy the provisions of this article.

§ 125-34. Operation and maintenance agreements.

- A. Prior to final approval of the SWM site plan, the property owner shall sign and record an operation and maintenance (O&M) agreement (see Appendix A³⁴) covering all stormwater control facilities which are to be privately owned.
- (1) The owner, successor, and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M agreement.
 - (2) The owner shall convey to the Borough conservation easements to assure access for periodic inspections by the Borough and maintenance, as necessary.
 - (3) The owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Borough within 10 working days of the change.
- B. The owner is responsible for the operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M agreement, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

§ 125-35. Performance guarantee.

For SWM site plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.³⁵

§ 125-36. Municipal stormwater maintenance fund.

Persons installing stormwater storage facilities shall be required to pay a specified amount to the municipal stormwater maintenance fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

- A. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Borough for a period of 10 years, as estimated by the Borough Engineer. After that period of time, inspection expenses will be assessed by the Borough on an as-needed basis thereafter.
- B. If the storage facility is to be owned and maintained by the Borough, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The Borough

34. Editor's Note: Appendix A is included as an attachment to this chapter.

35. Editor's Note: See 53 P.S. §§ 10509, 10510 and 10511.

Engineer will establish the estimated costs utilizing information submitted by the applicant.

- C. The amount of the deposit to the fund shall be converted to the present worth of the annual series values. The Borough Engineer shall determine the present worth equivalents, which shall be subject to the approval of the governing body.
- D. The general formula for calculating the annual inspection fee shall be as follows:
1. $IT_i \times IR \times N_i = IC_i$
 2. $IC_i + IC_{ii} + \dots = IC$
 3. $.25(IC) = AC$
 4. $IC + AC = \text{Annual Inspection Cost}$
 5. Where:
 - a. $IT_i = \text{Inspection Time Per SWM BMP (Varies per BMP)}$
 - b. $IR = \text{Inspection Rate (Varies per Year)}$
 - c. $N_i = \text{Quantity of Particular SWM BMP}$
 - d. $IC_i = \text{Inspection Cost for Particular SWM BMP}$
 - e. $IC = \text{Total Inspection Cost of all SWM BMPs}$
 - f. $AC = \text{Administrative Cost}$

ARTICLE VII

Fees and Expenses

§ 125-37. General.

- A. The developer shall be required to submit a subdivision/land development or building permit application prior to any stormwater management facilities construction. The fee for plan reviews, permit issuance, and inspections shall be established by resolution of the Borough to defray the following expenses:
- (1) The review of the stormwater management/erosion and sedimentation control plan by the Borough Engineer.
 - (2) The site inspections.
 - (3) The inspection of stormwater management facilities and drainage improvements during construction.
 - (4) The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the stormwater management/erosion and sedimentation control plan.
 - (5) Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.
- B. All fees shall be paid by the applicant at the time of application and shall be included in the required deposit for review of subdivision/land development plans.

- C. Any additional costs incurred by the Borough in the administration of this chapter shall be charged to the applicant and shall be paid promptly by the applicant. Upon completion of the construction of the stormwater management facility and upon final approval thereof by the Township/Borough Engineer, any monies in excess of Borough costs or expenses deposited by the applicant shall be refunded to the applicant.

ARTICLE VIII
Prohibitions

§ 125-38. Ultimate responsibility.

The standards set forth herein and promulgated by this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

§ 125-39. Prohibited discharges and connections.

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any nonstormwater discharge including sewage, process wastewater, and wash water to enter a regulated small MS4 or to enter the surface waters of this commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into a regulated small MS4, or discharges into waters of this commonwealth, which are not composed entirely of stormwater, except: 1) as provided in Subsection C below; and 2) discharges authorized under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors to pollution of a regulated small MS4 or to the waters of this commonwealth:
- (1) Discharges or flows from firefighting activities.
 - (2) Discharges from potable water sources, including waterline flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of total residual chlorine (TRC).
 - (3) Noncontaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - (4) Diverted stream flows and springs.
 - (5) Noncontaminated pumped groundwater and water from foundation and footing drains and crawl space pumps.
 - (6) Noncontaminated HVAC condensation and water from geothermal systems.
 - (7) Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.

- (8) Noncontaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.
- D. In the event that the Borough or DEP determines that any of the discharges identified in Subsection C significantly contribute pollutants to a regulated small MS4 or to the waters of this commonwealth, the Borough or DEP will notify the responsible person(s) to cease the discharge.

§ 125-40. Roof drains and sump pumps.

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs wherever feasible.

§ 125-41. Alteration of SWM BMPs.

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures that were installed as a requirement of this chapter without the written approval of the Borough.

§ 125-42. Suspension of MS4 access.

- A. Suspension due to illicit discharges in emergency situations. The Borough may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of this commonwealth. If the violator fails to comply with a suspension order issued in an emergency, the Borough may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters this commonwealth, or to minimize danger to persons including, without limitation, entering onto property for the purpose of disconnecting and/or performing emergency maintenance or repairs to storm sewers. In the event the Borough must disconnect or perform emergency maintenance and/or repairs, the Borough may file and attach a municipal lien on the property, which is causing the illicit discharge.
- B. Suspension due to the detection of illicit discharge or illicit connection. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge or illicit connection. The Borough will notify a violator of the proposed termination of its MS4 access. The violator may petition the Borough for a reconsideration and hearing.
- C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Borough.

§ 125-43. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit

shall be required in a form acceptable to the Borough prior to the allowing of discharges to the MS4.

§ 125-44. Monitoring of discharges.

- A. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to facilities.
- (1) The Borough shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Borough.
 - (2) Facility operators shall allow the Borough ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The Borough shall have the right to set up on any permitted facility such devices as are necessary for the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Borough has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Borough and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing Borough access to a permitted facility is a violation of a stormwater discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Borough reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
 - (7) If the Borough has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this section or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder or to protect the

overall public health, safety, and welfare of the community, then the Borough may seek issuance of a search warrant from any court of competent jurisdiction.

§ 125-45. Requirements to prevent, control, and reduce stormwater pollutants by use of BMPs.

The Borough will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of this commonwealth. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Borough storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the Borough separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

§ 125-46. Watercourse protection.

- A. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- B. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 125-47. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or water of this commonwealth, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Borough in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Borough within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the

discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

ARTICLE IX
Enforcement and Penalties

§ 125-48. Enforcement.

- A. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this chapter.
- B. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM site plan, unless specifically exempted in this chapter.
- C. It shall be unlawful to violate any section of this chapter.
- D. Inspections regarding compliance with the SWM site plan are the responsibility of the Borough.
- E. Notice of violation. When a person has violated a prohibition of this chapter, otherwise fails to comply with the requirements of this chapter, or fails to conform to the requirements of any permit issued hereunder, the Borough shall provide written notification of the violation to the property owner. Such notification shall set forth the nature of the violations and establish a time limit for the correction of these violation(s). Failure to comply or remediate and/or restore within the established deadline shall be cause for the work to be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator or assessed as a municipal lien on the property. Such written notice may require, without limitation:
 - (1) The performance of monitoring, analyses, and reporting.
 - (2) The elimination of illicit connections or illicit discharges.
 - (3) That violating discharges, practices, or operations shall cease and desist.
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 - (5) Payment of a fine to cover administrative and remediation costs.
 - (6) The implementation of source control or treatment BMPs.

§ 125-49. Appeals.

- A. Any person receiving a notice of violation may appeal the determination of the Borough. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before a designated hearing representative of the Borough shall take place within 15 days from the date of receipt of the notice of appeal.

- B. Any person aggrieved by any action of the Borough or its designee, relevant to the provisions of this chapter, may appeal to the Borough within 30 days of that action.
- C. Any person aggrieved by any decision of the Borough, relevant to the provisions of this chapter, may appeal to the County Court of Common Pleas in the county where the activity has taken place within 30 days of the Borough's decision.

§ 125-50. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the hearing representative's decision upholding the decision of the Borough, then representatives of the Borough shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Borough or designated contractor to enter upon the premises for the purposes set forth above.

§ 125-51. Cost of abatement of violation.

- A. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may thereafter file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the Borough authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment.
- B. Any person violating any of the provisions of Article VIII of this chapter shall become liable to the Borough by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12% per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

§ 125-52. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Borough may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 125-53. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

§ 125-54. Violations deemed as public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance may be taken.

§ 125-55. Criminal prosecution and penalties.

- A. Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to \$1,000 per violation per day.
- B. Anyone violating the provisions of this chapter shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs and/or imprisonment for a period of time not to exceed 90 days.
- C. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
- D. In addition, the Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.
- E. All such penalties shall be deemed cumulative and do not prevent the Borough from pursuing any and all remedies.

§ 125-56. Attorney fees and costs.

The Borough may recover all attorney fees, court costs, and other expenses associated with enforcement of this chapter, either criminal or civil, including sampling and monitoring expenses or other costs of investigation.

§ 125-57. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Borough to seek cumulative remedies.

§ 125-58. Right of entry.

Upon presentation of proper credentials, the Borough or its designated agent may enter at reasonable times upon any property within the Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this chapter.

§ 125-59. Inspection.

- A. The landowner or the owner's designee (including the Borough for dedicated and owned facilities) shall inspect SWM BMPs, facilities, and/or structures installed under this chapter according to the following frequencies, at a minimum, to ensure the BMPs, facilities, and/or structures continue to function as intended:
- (1) Annually for the first five years.
 - (2) Once every three years thereafter.
 - (3) During or immediately after the cessation of a ten-year-or-greater storm.
 - (4) All stormwater BMPs serving nonresidential development or serving more than one residential unit shall be inspected, and a report of such inspection shall be submitted to the Borough for review on an annual basis.
 - (5) All inspection records shall be maintained by the landowner and shall be made available to the Borough upon written request.
- B. Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Borough within 30 days following completion of the inspection.

§ 125-60. Suspension and revocation.

- A. Any approval or permit issued by the Borough pursuant to this chapter may be suspended or revoked for:
- (1) Noncompliance with or failure to implement any provision of the approved SWM site plan or O&M agreement.
 - (2) A violation of any provision of this chapter or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.
 - (3) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- B. A suspended approval may be reinstated by the Borough when:
- (1) The Borough has inspected and approved the corrections to the violations that caused the suspension.
 - (2) The Borough is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the Borough cannot be reinstated. The applicant may apply for a new approval under the provisions of this chapter.

- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Borough may provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any or all applicable approvals and permits pertaining to any provision of this chapter.

ARTICLE X

References

§ 125-61. Referenced material.

- A. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
- B. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
- C. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (March 31, 2012), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
- D. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
- E. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

STORMWATER MANAGEMENT

125 Attachment 1

Borough of Manchester

APPENDIX A

OPERATION AND MAINTENANCE (O&M) AGREEMENT

STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this day of __, 20__, by and between __ (hereinafter the "Landowner"), and Manchester Borough, York County, Pennsylvania (hereinafter "Borough");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at page _____.

(hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Borough (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Borough, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Borough, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Borough and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Borough requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said SWM Site Plan and the Borough Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, 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 Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the SWM Site Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.
3. The Landowner hereby grants permission to the Borough, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Borough shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Borough or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Borough is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Borough.

MANCHESTER CODE

5. In the event the Borough, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Borough for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Borough.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the on-site BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Borough from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Borough.
8. The Borough intends to inspect the BMPs at a minimum of once every three (3) years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of York County,

Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

STORMWATER MANAGEMENT

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Borough:

For the Landowner:

ATTEST:

_____ (Borough)

County of _____, Pennsylvania

I, _____, a Notary Public in and for the county and state aforesaid, whose commission expires on the ___ day of ___, 20___, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the ___ day _____, 20_____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20___.

NOTARY PUBLIC (SEAL)

_____ (Borough)

County of _____, Pennsylvania

I, _____, a Notary Public in and for the county and state aforesaid, whose commission expires on the ___ day of ___, 20___, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the ___ day _____, 20_____, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20___.

NOTARY PUBLIC (SEAL)

STORMWATER MANAGEMENT

125 Attachment 2

Appendix B

Disconnected Impervious Area (DIA)

1. Rooftop Disconnection

When rooftop downspouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:

- The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
- The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group "D" or equivalent, and
- The overland flow path from roof water discharge area has a positive slope of 5% or less.
- The total proposed disconnection does not total an amount greater than 5,000 square feet.

For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path*	Roof Area Treated as Disconnected
(ft)	(% of contributing area)
0 – 14	0
15 – 29	20
30 – 44	40

MANCHESTER CODE

45 – 59	60
60 – 74	80
75 or more	100
* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.	

2. Pavement Disconnection

When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This generally applies only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas (e.g., a walkway or bike path through a park).

Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:

- The contributing flow path over impervious area is not more than 75 feet, and
- The length of overland flow is greater than or equal to the contributing length, and
- The soil is not designated as hydrologic soil group "D" or equivalent, and
- The slope of the contributing impervious area is 5% or less, and
- The slope of the overland flow path is 5% or less.
- The total proposed disconnection does not total an amount greater than 5,000 square feet.

If the discharge is concentrated at one or more discrete points, no more than 1,000 square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For nonconcentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

REFERENCE

Philadelphia Water Department. 2006. *Stormwater Management Guidance Manual*.

Section 4.2.2: Integrated Site Design. Philadelphia, PA.

STORMWATER MANAGEMENT

125 Attachment 3

Borough of Manchester

Appendix C

Infiltration Testing

Infiltration BMPs shall be designed in the following manner: A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional and, at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation and subgrade stability, seasonally high groundwater table, suitability of stormwater management facilities, and maximum infiltration capacity in depth of water per unit area. The general process for designing the infiltration BMP shall be:

- A. Site evaluation to determine general areas of suitability for infiltration practices.
- B. Infiltration tests must be taken at the location and elevation of the facility's bottom for each proposed practice. At least two separate tests shall be taken at the location of each SWM facility.
- C. A double-ring infiltrometer test shall be used for all infiltration tests in accordance with the current edition of the BMP Manual.
- D. Upon completion of site evaluation and infiltration tests, the design infiltration rate shall be determined from the tested infiltration rates by using the geometric mean. The geometric mean, not the arithmetic mean, of the multiple infiltration tests, must be reported and used. In some situations, a measured rate of zero may be obtained. In these cases, a default value should be used based on one decimal digit less than the smallest detectable reading for that particular test. For example, if the smallest detectable reading using an infiltrometer is a 0.15 inch drop, then 0.14 inches should be substituted for the zero reading. The geometric mean of a data set is the nth root of the product of "n" numbers:

$$\sqrt[n]{x_1 \times x_2 \times x_3 \dots x_n}$$

- E. The infiltration requirement in the high-quality/exceptional waters shall be subject to Title 25, Chapter 93, of the Pennsylvania Code of Regulations and the antidegradation regulations promulgated by DEP thereunder.

STORMWATER MANAGEMENT

125 Attachment 4

Borough of Manchester

Appendix D

Small Projects Guide

Appendix D is on file in the Borough offices.

STORMWATER MANAGEMENT

125 Attachment 5

Borough of Manchester

Table 1
Runoff Curve Numbers
[From NRCS (SCS) TR-55]

Land Use Description	Hydrologic Soil Group			
	A	B	C	D
Open space	44	65	77	82
Meadow	30**	58	71	78
Agricultural	59	71	79	83
Forest	36**	60	73	79
Commercial (85% Impervious)	89	92	94	95
Industrial (72% Impervious)	81	88	91	93
Institutional (50% Impervious)	71	82	88	90
Residential				
Average lot size % impervious				
1/8 acre or less*65	77	85	90	92
1/8 to 1/3 acre 34	59	74	82	87
1/3 to 1 acre 23	53	69	80	85
1 to 4 acres 12	46	66	78	82
Farmstead	59	74	82	86
Smooth surfaces (concrete, asphalt, gravel or bare compacted soil)	98	98	98	98
Water	98	98	98	98
Mining newly graded areas (pervious areas only)	77	86	91	94

* Includes multifamily housing unless justified lower density can be provided.

** Caution - CN values under 40 may produce erroneous modeling results.

NOTE: Site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value for existing undeveloped conditions.

STORMWATER MANAGEMENT

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Borough of Manchester

Table 2
Rational Runoff Coefficients
By Hydrologic Soils Group and Overland Slope (%)

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
*Cultivated land	0.33 ^a	0.37	0.42	0.40	0.43	0.49	0.45	0.49	0.55	0.48	0.53	0.59
	0.37 ^b	0.43	0.48	0.44	0.49	0.55	0.51	0.55	0.63	0.54	0.59	0.69
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential												
Lot size 1/8 acre	0.25	0.28	0.31	0.27	0.30	0.25	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot size 1/4 acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot size 1/3 acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot size 1/2 acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot size 1 acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88

MANCHESTER CODE

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.90
Streets	0.70	0.71	0.71	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

^a Runoff coefficients for storm recurrence intervals less than 25 years.

^b Runoff coefficients for storm recurrence intervals 25 years or more.

Source: Rawls, W.J., S.L. Wong and R.H. McCuen, 1981. "Comparison of Urban Flood Frequency Procedures", Preliminary Draft, U. S. Department of Agriculture, Soil Conservation Service, Baltimore, MD.

* Cultivated land "C" coefficients were compiled using other sources to reflect varying conditions of the ground cover due to tilling, plant growth, harvesting, maintenance, land management and similar factors.

STORMWATER MANAGEMENT

125 Attachment 7

Borough of Manchester

Table 3
Roughness Coefficients (Manning's "n") for Overland Flow
(U.S. Army Corps Of Engineers, HEC-1 Users Manual)

Surface Description	n
Dense growth	0.4 - 0.5
Pasture	0.3 - 0.4
Lawns	0.2 - 0.3
Bluegrass sod	0.2 - 0.5
Short grass prairie	0.1 - 0.2
Sparse-vegetation	0.05 - 0.13
Bare clay-loam Soil (eroded)	0.01 - 0.03
Concrete/asphalt	
Very shallow depths (less than 1/4 inch)	0.10 - 0.15
Small depths (1/4 inch to several inches)	0.05 - 0.10

Roughness Coefficients (Manning's "n") for Sheet Flow
(U.S. Soil Conservation Service Technical Release 55)

Surface Description	n
Smooth surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue)	0.05
Cultivated soils:	
Residue cover less than or 20%	0.06
Residue cover greater than 20%	0.17
Grass:	
Short grass prairie	0.15
Dense grasses	0.24
Bermuda grass	0.41
Range (natural)	0.13
Woods:	
Light underbrush	0.40
Dense underbrush	0.80

