

**CHAPTER 26**

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**PART 1**  
**STORMWATER MANAGEMENT**

**A. General Provisions.**

**§ 101. Short Title. [Ord. 291, 8/18/2014<sup>1</sup>]**

This Part shall be known and may be cited as the "St. Marys Stormwater Management Ordinance."

**§ 102. Statement of Findings. [Ord. 291, 8/18/2014]**

St. Marys City Council finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases 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, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of people of the City, their resources and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which protects and maintains surface water quality.

**§ 103. Purpose. [Ord. 291, 8/18/2014]**

The purpose of this Part is to comply with Section 11(b) of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.11(b), the Pennsylvania Storm Water Management Act.

**§ 104. Statutory Authority. [Ord. 291, 8/18/2014]**

1. Primary Authority. The municipality is required to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.11(b), as amended, the Storm Water Management Act, and the St. Marys Home Rule Charter.

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<sup>1</sup>Editor's Note: This Part also repealed former Part 1, Stormwater Management, adopted by Ord. 64, 4/21/1997.

2. Secondary Authority. The municipality 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, as amended.

**§ 105. Applicability. [Ord. 291, 8/18/2014]**

All regulated activities, as defined by this Part, that may affect stormwater runoff, including land development, are subject to regulation by this Part.

**§ 106. Repealer. [Ord. 291, 8/18/2014]**

Any other ordinance provision(s) or regulation of the municipality inconsistent with any of the provisions of this Part are hereby repealed to the extent of the inconsistency only.

**§ 107. Severability. [Ord. 291, 8/18/2014]**

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

**§ 108. Compatibility with Other Ordinance Requirements. [Ord. 291, 8/18/2014]**

Approvals issued and actions taken under this Part 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.

**§ 109. Municipal Liability Disclaimer. [Ord. 291, 8/18/2014]**

1. Neither the granting of any approval under this Part, nor the compliance with the provisions of this Part, or with any condition imposed by a Municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom or as otherwise imposed by law nor impose any liability upon the City for damages to persons or property.
2. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the City, or by an official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result thereto.
3. The adoption of this Part does not impose on the City any affirmative duty to regulate stormwater management facilities which preexisted this Part.

**§ 110. Word Usage; Definitions. [Ord. 291, 8/18/2014]**

1. For the purposes of this Part, certain terms and words used herein shall be interpreted as follows:
  - A. 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.
  - B. 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.
  - C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
  - D. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used or occupied."
2. Specific Words and Phrases. The following words and phrases shall have the particular meaning assigned by this section throughout the various sections of this Part:

**ACCELERATED EROSION** — The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

**AGRICULTURAL ACTIVITY** — 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 other person who has filed an application for approval to engage in any regulated earth disturbance activity at a project site in the municipality.

**BANK FULL** — The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

**BASE FLOW** — Portion of stream discharge derived from groundwater; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

**BIORETENTION** — A stormwater retention area that utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

**BMP (BEST MANAGEMENT PRACTICE)** — 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 Part. BMPs include but are not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins. Structural SWM BMPs are permanent appurtenances to the project site.

**CARBONATE BEDROCK (AREAS)** — Rock consisting chiefly of carbonate minerals, such as limestone and dolomite; specifically a sedimentary rock composed of more than 50% by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

**CHANNEL** — A drainage element in which stormwater flows within an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

**CHANNEL EROSION** — The widening, deepening, and headward cutting of small channels and waterways, caused by stormwater runoff or bank full flows.

**CISTERN** — An underground reservoir or tank for storing rainwater.

**CONSERVATION DISTRICT** — A conservation district, as defined in Section 3(c) of the Conservation District Law [3 P.S. § 851(c)], which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion and sediment control program in this commonwealth.

**CULVERT** — A structure, with appurtenant works, which carries water under or through an embankment or fill.

**DELINEATION** — The process of determining a wetland's physical boundaries.

**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. (See "return period.")

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

**DETENTION BASIN** — An impoundment designed to collect and attenuate stormwater peak runoff by temporarily storing the runoff and releasing it at

a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

**DEVELOPMENT** — A man-made change to improved or unimproved real estate, including the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving, drilling operations and the subdivision of land.

**DISCHARGE** — To release water from a project, site, aquifer, drainage basin or other point of interest (verb); the rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (volume per unit of time) (noun). See also "peak discharge."

**DISCHARGE POINT** — The point to which stormwater flows.

**DISCONNECTED IMPERVIOUS AREA (DIA)** — An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix G, Disconnected Impervious Area.<sup>2</sup>

**DITCH** — See "channel."

**DOWNSLOPE PROPERTY LINE** — That portion of the property line of the lot, tract, or parcels of land being developed located such that overland or pipe flow from the site would flow towards it.

**DRAINAGE EASEMENT** — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

**EMERGENCY SPILLWAY** — A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by a stormwater management facility.

**ENCROACHMENT** — A structure or activity that changes, expands, or diminishes the course, current or cross section of a watercourse, floodway, floodplain, or body of water.

**EPHEMERAL STREAM** — A stream with flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral streambeds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

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<sup>2</sup>Editor's Note: Appendix G is included as an attachment to this chapter.

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

**EROSION AND SEDIMENT POLLUTION CONTROL PLAN** — A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

**EXCEPTIONAL-VALUE WATERS** — Surface waters of high quality which satisfy Pennsylvania Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to antidegradation).

**EXTENDED DETENTION VOLUME (EDV)** — Release of detained runoff in excess of permanently removed volume (PRV) over a period of time not less than 24 and not more than 72 hours.

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

**FELLING** — The process of cutting down standing trees.

**FLOOD** — A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this commonwealth.

**FLOODPLAIN** — Any land area susceptible to inundation by water from any natural source or delineated by applicable Federal Emergency Management Agency (FEMA) maps and studies as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PA DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PA DEP).

**FLOODWAY** — The channel of the watercourse and those portions of the adjoining floodplain that is reasonably required to carry and discharge the one-hundred-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 one-hundred-year floodway, the floodway includes floodplain areas within 50 feet of the top of each stream bank and the stream channel itself.

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



**FREEBOARD** — A vertical distance between the elevation of the design high water elevation and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

**GRADE** —

- A. A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.
- B. (To) grade: to finish the surface of a roadbed, top of embankment or bottom of excavation.

**GRASSED WATERWAY** — A natural or constructed waterway, usually broad and shallow, covered with erosion resistant grasses, used to convey surface water.

**GROUNDWATER** — Water beneath the earth's surface, often between saturated soil and rock that supplies wells and springs.

**GROUNDWATER RECHARGE** — Replenishment of existing natural underground water supplies without degrading groundwater quality.

**HARVESTING** — The felling, skidding, loading, and transporting of timber products.

**HIGH-QUALITY WATERS** — Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25, Environmental Protection, Chapter 93 Water Quality Standards, § 93.4b(a).

**HYDRIC SOILS** — Soils that are characterized by the presence of water.

**HYDROGRAPH** — A graph of stormwater or runoff discharge versus time for a selected point in the drainage system.

**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 Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils underlying the project 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.

**HYDROPHYTIC VEGETATION** — Plant life that is adapted to living in wet conditions.

**IMPERVIOUS SURFACE (IMPERVIOUS AREA)** — A surface that prevents the infiltration of water into the ground. Impervious surfaces (or covers) shall include, but not be limited to:

- A. Roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures.
- B. New streets or sidewalks, decks, parking areas, and driveway areas using traditional paved surfaces that prevent infiltration into the ground. New decks, parking areas, and driveways are not defined as impervious areas if they are designed to allow long-term infiltration.
- C. Existing gravel parking areas, driveways, and roads shall be treated as slightly pervious and shall be analyzed using the appropriate SCS curve number based on their HSG. Proposed gravel parking areas, driveways and roads shall be treated as impervious areas unless the applicant establishes that the surface or area is intended to be pervious. The City will require an applicant to submit sufficient data to determine the actual hydrologic response of the surface or area.

**IMPOUNDMENT** — A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

**INFILTRATION** — Movement of surface water into the soil, where it is absorbed by plant roots, evaporates into the atmosphere, or percolates downward to recharge groundwater.

**INFILTRATION STRUCTURES** — A structure designed to direct runoff into the groundwater (e.g., french drains, seepage pits, and seepage trenches).

**INLET** — The upstream end of any structure through which water may flow.

**INTERMITTENT STREAM** — A stream with flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

**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) 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 § 503(1.1) of the Pennsylvania Municipalities Planning Code.

**LANDING (OR DECK)** — A place where logs or tree-length materials are assembled for loading and transport.

**LITTER LAYER** — The layer of fallen leaves, twigs, and decaying woody material that provides a sponge-like mat covering forest soils.

**LOT** — A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

**LOT COVERAGE** — The area of a lot which is covered with an impervious surface (e.g., buildings, driveways, parking areas, sidewalks, etc.)

**MAIN STEM (MAIN CHANNEL)** — Any stream segment or other runoff conveyance facility used as a reach in the hydrologic model.

**MANNING EQUATION (MANNING FORMULA)** — A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

**MUNICIPAL ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**MUNICIPALITY** — The City of St. Marys, Elk County, Pennsylvania.

**NATURAL RECHARGE AREA** — Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

**NONPOINT SOURCE POLLUTION** — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**NONSTRUCTURAL BEST MANAGEMENT PRACTICE (BMPs)** — Methods of controlling stormwater runoff quantity and quality, such as innovative

site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

NPDES — National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to PA DEP in Pennsylvania.

NRCS — Natural Resources Conservation Service (previously SCS).

ORDINANCE — The St. Marys Stormwater Management Ordinance.

OUTFALL — "Point source" as described in 40 CFR 122.2 at the point where the municipality's storm sewer system discharges to surface waters of the commonwealth.

OUTLET — Points of water disposal to a stream, river, lake, tidewater or artificial drain.

PA DEP — The Pennsylvania Department of Environmental Protection.

PA DOT — Pennsylvania Department of Transportation.

PARENT TRACT — The parcel of land from which a land development or subdivision originates, determined from the date of municipal adoption of this Part.

PARKING LOT STORAGE — The use of parking areas as temporary impoundments with controlled release rates during rainstorms.

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

PERMANENTLY REMOVED VOLUME (PRV) — The volume of runoff that is permanently removed from the runoff and not released into surface waters of this commonwealth during or after a storm event.

PERVIOUS SURFACE (PERVIOUS AREA) — Any area or ground surface not defined as impervious and that may be vegetated or unvegetated.

PIPE — A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLANNING COMMISSION — The City planning commission authorized under the Pennsylvania Municipalities Planning Code.

**POINT SOURCE** — Any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in state regulations at 25 Pa. Code § 92.1.

**POST-CONSTRUCTION** — Period after construction where disturbed areas are stabilized, stormwater controls are in place and functioning and all proposed improvements in the approved land development plan are completed.

**PREDEVELOPMENT** — Undeveloped/natural condition.

**PRETREATMENT** — Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system.

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

**QUALIFIED PROFESSIONAL** — A professional engineer licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the engineering work required by the ordinance.

**RECHARGE** — The replenishment of groundwater through the infiltration of rainfall or stormwater runoff.

**RECORD DRAWINGS** — Those drawings maintained by the applicant, applicant's contractor, or applicant's agent as the applicant's project is constructed; and upon which is documented the actual locations of the building components and changes to the original contract documents. These, or a copy of same, are turned over to the City at the completion of the project.

**REGULATED ACTIVITIES** — All activities involving development or land development that may affect stormwater runoff, except to the extent that they are exempted from regulation under this Part.

**REGULATED EARTH DISTURBANCE ACTIVITY** — Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92, Chapter 102, or the Clean Streams Law,<sup>3</sup> as regulated by the Elk County Conservation District.

**RELEASE RATE** — The percentage of existing conditions peak rate of runoff from a site or subarea to which the post-development peak rate of runoff must be reduced to protect downstream areas.

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<sup>3</sup>Editor's Note: See 35 P.S. § 691.1 et seq.

**RETENTION BASIN** — A structure in which stormwater is stored and not released during the storm event. Retention basins do not function without operational intervention to release stored stormwater unless designed as infiltration-only basins.

**RETENTION/REMOVED** — 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 interval, in years, within which a storm event of a given magnitude can be expected, on average, to recur. For example, the twenty-five-year return period rainfall would be expected, on average, to recur every 25 years. The probability of a twenty-five-year storm occurring in any one year is 0.04 or 4%.

**RISER** — A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

**ROOF DRAINS** — A drainage conduit or pipe that collects water runoff from a roof and leads it away from the structure.

**ROOFTOP DETENTION** — Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

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

**SALDO** — Subdivision and Land Development Ordinance.

**SCS** — Soil Conservation Service (currently known as NRCS, Natural Resources Conservation Service). Also a commonly referred-to method ("SCS Method") for the hydrologic computation and estimation of runoff from rainfall information that has been developed by the United States Department of Agriculture's Soil Conservation Service (SCS).

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

**SEDIMENTATION** — The process by which mineral or organic matter is accumulated or deposited by the movement of water or air.

**SEDIMENT BASIN** — A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

**SEDIMENT POLLUTION** — The placement, discharge or any other introduction of sediment into the waters of the commonwealth.

**SEEPAGE PIT/SEEPAGE TRENCH** — An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the groundwater.

**SEPARATE STORM SEWER SYSTEM** — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

**SHALLOW CONCENTRATED FLOW** — Stormwater runoff flowing in shallow, defined rills prior to entering a defined channel or waterway.

**SHEET FLOW** — A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

**SKIDDING** — Moving of logs or felled trees along the surface of the ground from the stump to the point of loading.

**SKID ROAD/HAUL ROAD** — Those roads, trails, or other openings upon which trees, logs, equipment, or vehicles are moved within the site of the work.

**SLASH** — Unusable woody material such as large limbs, tops, cull logs, and stumps that remain after timber harvesting.

**SOIL-COVER COMPLEX METHOD** — A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called "curve number (CN)."

**SPECIAL GEOLOGIC FEATURES** — Carbonate bedrock features, including but not limited to closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves and pinnacles, which may exist and must be identified on a site when stormwater management BMPs are being considered.

**SPELLWAY** — A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

**STATE WATER QUALITY REQUIREMENTS** — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.<sup>4</sup>

**STORAGE INDICATION METHOD** — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the

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<sup>4</sup>Editor's Note: See 35 P.S. § 691.1 et seq.

change in storage) with outflow defined as a function of storage volume and depth.

**STORM FREQUENCY** — The number of times that a given storm event occurs or is exceeded on the average in a stated period of years. See "return period."

**STORM SEWER** — A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but exclude domestic sewage and industrial wastes.

**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 structures.

**STORMWATER MANAGEMENT PLAN** — The plan for managing stormwater runoff adopted by the County of Elk as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act".

**STORMWATER MANAGEMENT BMPs** — Abbreviated as "SWM BMPs" throughout this Part.

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

**STREAM** — A natural watercourse.

**STREAM ENCLOSURE** — A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream that encloses a regulated water of this commonwealth.

**SUBAREA (SUB-WATERSHED)** — The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

**SUBDIVISION** — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or



future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development (Refer to the Pennsylvania Municipalities Planning Code, current version.)

**SURFACE WATERS OF THE/THIS COMMONWEALTH** — Any and all rivers, streams, creeks, rivulets, ditches, watercourses, lakes, dammed water, wetlands, ponds, springs, whether natural or artificial, within or on the boundaries of this commonwealth.

**SWALE** — A low-lying stretch of land that gathers or carries surface water runoff.

**TIMBER OPERATIONS** — See "forest management."

**TIME-OF-CONCENTRATION (T<sub>c</sub>)** — The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**TOP-OF-BANK** — Highest point of elevation in a stream channel cross section at which a rising water level just begins to flow out of the channel and over the floodplain.

**USACE** — United States Army Corp of Engineers.

**VERNAL POND** — Seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall.

**WATERCOURSE** — A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERS OF THE/THIS COMMONWEALTH** — Rivers, streams, creeks, rivulets, impoundments, watercourses, lakes, dammed water, wetlands, ponds, springs, whether natural or artificial, within or on the boundaries of the commonwealth.

**WATERSHED** — Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

**WET BASIN** — A detention basin that is designed to detain stormwater and which always contains water.

**WETLAND** — Those areas that are inundated or saturated by surface water 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, fens, and similar areas.

**ZONING DISTRICT** — The zoning designation of the subject property as stated by the current zoning ordinance in effect in the City of St. Marys.

**ZONING ORDINANCE** — The current Zoning Ordinance in effect in the City of St. Marys.<sup>5</sup>

## **B. Stormwater Management Standards.**

### **§ 111. General Requirements. [Ord. 291, 8/18/2014]**

1. For all regulated activities, except those specifically exempt under § 112:
  - A. Preparation and implementation of an approved SWM site plan is required.
  - B. No regulated activities shall commence until the municipality issues written approval of an SWM site plan, which demonstrates compliance with the requirements of the ordinance.
  - C. The SWM site plan shall be on site throughout the duration of construction of the regulated activities.
2. The City may, after consultation with the PA DEP, approve measures for meeting the state water quality requirements other than those in this Part, provided that they meet the minimum requirements of, and do not conflict with, state law including but not limited to the Clean Streams Law.<sup>6</sup>
3. For all regulated activities, implementation of peak rate controls and preparation of a SWM site plan are required, unless exempted by § 112 of this Part.
4. Impervious Areas.
  - A. 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.
  - B. For development taking place in stages, the entire development plan must be used in determining conformance with this Part.
5. All regulated activities shall include such measures as practical to:
  - A. Protect health, safety, and property;

<sup>5</sup>Editor's Note: See Ch. 27, Zoning.

<sup>6</sup>Editor's Note: See 35 P.S. § 691.1 et seq.

- B. Incorporate the techniques described in Appendix A of this Part (Low Impact Development Practices)<sup>7</sup> whenever practical.
6. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
  7. Infiltration BMPs shall 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 Part.
  8. Storage facilities shall completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.
  9. The design storm volumes to be used in the analysis of peak discharge rates shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, 20910. NOAA's Atlas 14 can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
  10. The City may require that regulated activities maintain a minimum distance between proposed impervious areas/stormwater management facility outlets and downslope property line(s).
  11. SWM BMPs for all regulated activities shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Part.

#### **§ 112. Exemptions.**

1. The following regulated activities are exempt from the application requirements of this Part:
  - A. Where the post-developed lot meets the maximum lot coverage provisions of the zoning district in which the lot is located, as established by the City Zoning Ordinance;<sup>8</sup>
  - B. Where the regulated activity requires an NPDES permit;
  - C. Where the regulated activity involves less than 5,000 square feet of new impervious area, the applicant shall make the following submissions:

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<sup>7</sup>Editor's Note: Appendix A is included as an attachment to this chapter.

<sup>8</sup>Editor's Note: See Ch. 27, Zoning.

New Impervious Area	Applicant Requirements	Submission
0 SF ≤ new impervious area < 1,000 SF	No submission required	
1,000 SF ≤ new impervious area < 2,500 SF	Small Project SWM Application (see Appendix F) <sup>9</sup>	
2,500 SF ≤ new impervious area < 5,000 SF	Volume Control (§ 114) and Small Project SWM Application (see Appendix F)	
5,000 SF ≤ new impervious area	Peak Rate Control (§ 115), Volume Control (§ 114), and SWM site plan and Report Requirements (Subpart C)	

D. All regulated activities must comply with the state water quality requirements.

E. Upon submission of a signed small project SWM application described in Appendix F,<sup>10</sup> new single-family residential activities on a single lot are exempt from the requirements of Section § 114, Volume Control, § 115, Peak Rate Control, and from the submission of a small project SWM application, provided that the construction:

- (1) Complies with § 112, Subsection 1A and B; and
- (2) Has building setbacks of at least 75 feet from downslope property lines; and
- (3) For driveways:
  - (a) Runoff must discharge onto pervious surface with a gravel strip or other spreading device.
  - (b) No more than 1,000 square feet of paved surface may discharge to any one point.
  - (c) For each discharge point, the length of flow on the pervious surface must exceed the length of flow on the paved surface.

2. The PA DEP may approve alternative stormwater management controls for meeting the state water quality requirements other than those in this Part, provided they meet the minimum requirements of this Part, do not conflict with state law including but not limited to the Clean Streams Law,<sup>11</sup> and provided that:

<sup>9</sup> Editor's Note: Appendix F is included as an attachment to this chapter.

<sup>10</sup> Editor's Note: Appendix F is included as an attachment to this chapter.

<sup>11</sup> Editor's Note: See 35 P.S. § 691.1 et seq.

- A. The alternative controls are documented to be acceptable to PA DEP (or Conservation District), for NPDES requirements pertaining to post-construction stormwater management requirements.
3. Agricultural activities are exempt from the rate and SWM site plan preparation requirements of this Part, provided that the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
4. Forest management and timber operations are exempt from the rate and volume control and SWM site plan preparation requirements of this Part provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
5. The purpose of this section is to ensure consistency of stormwater management planning between local agencies and NPDES permitting and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject.

**§ 113. Waivers.**

1. The provisions of this Part are the minimum standards for the protection of the public.
2. Waivers shall not be issued from implementing such measures as necessary to:
  - A. Meet state water quality standards and requirements.
  - B. Protect health, safety, and property.
  - C. Meet special requirements for high-quality (HQ) and exceptional-value (EV) watersheds.
3. The applicant shall submit all requests for waivers in writing and shall include such requests as a part of the plan review and approval process. The applicant shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance that are involved, and the minimum waiver or relief that is necessary. The applicant shall state how the requested waiver and how the applicant's proposal shall result in an equal or better means of complying with the intent or purpose and general principles of this Part.
4. The municipality shall keep a written record of all actions on waiver requests. The municipality may charge a fee for each waiver request, which shall be used to offset the administrative costs of reviewing the waiver request. The applicant shall also agree to reimburse the municipality for reasonable and necessary fees that may be incurred by the municipal engineer in any review of a waiver request.

5. In granting waivers, the municipality may impose reasonable conditions that will, in its judgment, secure substantially the objectives of the standards or requirements that are to be modified.
6. The municipality may grant applications for waivers when the following findings are made, as relevant:
  - A. That the waiver shall result in an equal or better means of complying with the intent of this Part.
  - B. That the waiver is the minimum necessary to provide relief.
  - C. That existing down-gradient stormwater problems will not be exacerbated.
  - D. That increased flooding or ponding on off-site properties or roadways will not occur.
  - E. That potential icing conditions will not occur.
  - F. That increases in peak flow or volume from the site will not occur.
  - G. That erosive conditions due to increased peak flows or volume will not occur.
  - H. That adverse impact to water quality will not result.
  - I. That increased one-hundred-year floodplain levels will not result.
  - J. That increased or unusual municipal maintenance expenses will not result from the waiver.
  - K. That the amount of stormwater generated has been minimized to the greatest extent allowed.
  - L. That peak flow attenuation of runoff has been provided.
  - M. That long-term operation and maintenance activities are established.
  - N. That the receiving streams and/or water bodies will not be adversely impacted in flood-carrying capacity, aquatic habitat, channel stability and erosion and sedimentation.

**§ 114. Volume Controls. [Ord. 291, 8/18/2014]**

The low-impact development practices provided in the Pennsylvania BMP Manual shall be used for all regulated activities to the maximum extent practicable. Water

volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below.

- A. The Design Storm Method is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
- (1) Do not increase the post-development total runoff volume for all storms equal to or less than the two-year, twenty-four-hour duration precipitation.
  - (2) When the existing site contains impervious area and the existing site conditions have public health, safety or environmental limitations, the applicant may demonstrate to the municipality that it is not practicable to satisfy the requirement Subsection A(1); but the stormwater volume reduction will be maximized to the greatest extent practicable to maintain existing and designated water uses.
- B. The Simplified Method provided below is independent of site conditions and shall be used if the Design Storm Method is not followed.
- (1) Stormwater facilities shall be sized to capture at least the first inch of runoff from all new impervious surfaces.
  - (2) At least the first 1/2 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 shall be designed to accommodate infiltration of the entire permanently removed runoff.
  - (4) This method is exempt from the requirements of § 115, Rate Controls.

**§ 115. Rate Controls. [Ord. 291, 8/18/2014]**

1. Areas not covered by a release rate map or not shown on a release rate map from an approved Act 167 stormwater management plan: Post-development discharge rates should not exceed the predevelopment discharge rates for the two-, ten-, fifty-, and one-hundred-year storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for two-, ten-, fifty-, and one-hundred-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.
2. Areas covered by a release rate map from an approved Act 167 stormwater management plan: For the two-, ten-, fifty-, and one-hundred-year storms,

the post-development discharge rates will follow the release rate maps in this Part.

3. A list of BMPs for peak rate controls is provided in Appendix B, Item C.<sup>12</sup>

**§ 116. Calculation Methods. [Ord. 291, 8/18/2014]**

1. Stormwater runoff from all project sites shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 116-1 summarizes acceptable computation methods and the method selected by the qualified professional shall be based on the individual limitations and suitability of each method for a particular site.

**Table 116-1**

**Acceptable Computation Methodologies for Stormwater Management Plans**

<b>Method</b>	<b>Method Developed By</b>	<b>Applicability</b>
TR-20/WINTR20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary
TR-55/WINTR55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55
HEC-HMS	United States Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary
Rational Formula (or commercial computer package based on Rational Formula)	Emil Kuichling (1889)	For sites less than fifty acres and with time of concentration less than 60 minutes ( $T_c < 60$ min), or as approved by the municipality
Other methods such as SWMM, WMS, etc.	Varies	Other computation methodologies approved by the municipality

**NOTE:**

Successors to the above methods are also acceptable.

2. All calculations consistent with this Part using the Soil Cover Complex Method shall use the appropriate design rainfall depths and intensities for the various return period storms according to the approximate center of the

<sup>12</sup>**Editor's Note: Appendix B is included as an attachment to this chapter.**



- proposed development site, in accordance with the values obtained from the National Oceanic and Atmospheric Administration's (NOAA) Hydrometeorological Design Studies Center Precipitation Frequency Data Server (PFDS) at the following location for the Commonwealth of Pennsylvania: <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>. The applicant shall provide documentation of PFDS data location (latitude and longitude in degrees/minutes/seconds).
3. All calculations using the Rational Formula shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the NOAA, PFDS website, the design storm curves from PA DOT Design Rainfall Curves (1986) and NOAA Atlas 14.
  4. 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). Times-of-concentration for channel and pipe flow shall be computed using Manning's Equation. NRCS lag equation divided by 0.6 as acceptable method for  $T_c$  in undeveloped areas.
  5. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table 2-2 of the TR-55 manual.
  6. Runoff coefficients (C) for both existing and proposed conditions for use in the Rational Formula are provided in Appendix D.<sup>13</sup>
  7. All flow assumptions and source of supporting data shall be provided as part of the overall plan. The municipality reserves the right to reject any submitted values, despite the source, and to provide a substitute source for use by the applicant.
  8. Where uniform flow is anticipated, the Manning Equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient ( $n$ ) shall be consistent with generally accepted values from a legitimate and verifiable source. All flow assumptions and source of supporting data shall be provided as part of the overall plan. The municipality reserves the right to reject any submitted values, despite the source, and to provide a substitute source for use by the applicant. Full flow capacity shall be assumed for closed conduits. Storm sewer systems consisting of more than three pipe junctions shall be designed using hydraulic grade line computations.
  9. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Part using any generally accepted hydraulic analysis technique or method. The design of any stormwater detention facilities intended to meet the performance standards of this Part

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<sup>13</sup>Editor's Note: Appendix D is included as an attachment to this chapter.

shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph (i.e. TR-20, TR-55, and HEC-HMS).

10. Downstream Analysis. Where deemed necessary by the municipal engineer, the applicant shall submit an analysis of the impacts of detained stormwater flows on downstream areas within the watershed, established with the concurrence of the municipal engineer. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of peak discharge modifications of the proposed development on critical locations such as dams, tributaries, existing developments, undersized culverts, and flood-prone areas. Review and comment of the analysis by the engineer of a downstream municipality shall be obtained as deemed necessary.

**§ 117. Stormwater Facility Design Requirements. [Ord. 291, 8/18/2014]**

1. Stormwater management and related facilities shall be provided:
  - A. To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection.
  - B. To ensure adequate drainage of all street low points.
2. Storm sewers and related installations:
  - A. Storm sewers, where required, shall be placed as directed by the municipality.
  - B. When located in undedicated land, they shall be placed within a drainage easement not less than 20 feet wide as approved by the municipality.
  - C. The use of properly designed, graded, and vegetated drainage channels is encouraged in lieu of storm sewers in commercial and industrial areas and, where approved by the municipality, in residential areas. Such swales shall be designed to not only carry the required discharge without excessive erosion, but also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil, where appropriate. Criteria related to the use and design of drainage swales are as follows:
    - (1) Where vegetated drainage swales are used in lieu of or in addition to storm sewers, they shall be designed to carry the ten-year discharge without erosion, and also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil.

- (2) The maximum encroachment of water on the roadway pavement along roadside swales in cut areas shall not exceed half of a through traffic lane during a ten-year frequency storm of five-minute duration. Frequent and/or sustained flooding of the sub-base shall be avoided.
  - (3) The design of all vegetated channels shall, as a minimum, conform to the design procedures outlined in the Erosion and Sediment Pollution Control Program Manual (PA DEP). Inlets shall be provided to limit road shoulder encroachment and water velocity.
  - (4) The side slope for any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three horizontal to one vertical on those areas to be mowed. Maximum side slopes for any vegetated drainage channel shall be two horizontal to one vertical.
  - (5) Erosion Prevention. All drainage swales shall be designed to prevent the erosion of the bed and bank areas. Suitable temporary and/or permanent stabilization during vegetative cover establishment shall be provided to prevent erosion.
  - (6) Storm sewers or drainage swales shall discharge to a detention or retention basin to attenuate the peak rate and volume, respectively, of stormwater runoff, except as provided in the plan.
- D. The design capacity of storm sewers shall be in accordance with PennDOT Drainage Manual, Publication Number 584, as amended. Storm drainage systems shall be designed without surcharging inlets to provide conveyance of stormwater runoff into a detention basin or similar facility utilized to manage the rate of stormwater runoff. To avoid surcharging inlets, and to ensure that inlets will receive stormwater runoff, the hydraulic grade line at the inlet shall be at least six inches below the elevation of the inlet grate. Where site grading will direct stormwater runoff from the one-hundred-year design storm to a detention basin or similar facility utilized to manage the rate of stormwater runoff, then the storm sewer may be designed for the ten-year design storm. Where site grading will not direct stormwater runoff from the one-hundred-year design storm to a detention basin or similar facility utilized to manage the rate of stormwater runoff, then the storm sewer shall be designed for the one-hundred-year design storm. The location of the hydraulic grade line for the one-hundred-year design storm shall be graphically shown on the required storm sewer profile drawings. Conveyance of storms to the detention basin, up to and including the one-hundred-year frequency, shall be provided so as not to endanger life or seriously damage property.

- E. Storm inlet types and inlet assemblies shall conform to the Pennsylvania Department of Transportation Standards for Roadway Construction as approved by the municipality.
  - F. Accessible drainage structures shall be located on a continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding 5°, and at all points of convergence of two or more influent storm sewer mains. The construction locations of accessible drainage structures shall be as indicated on the subdivision drainage plan or area drainage plan approved by the municipality.
  - G. When evidence available to the municipality indicates that existing storm sewers have sufficient capacity as determined by hydrograph summation and are accessible, proposed stormwater facilities may connect to the existing storm sewers so long as the peak rate of discharge does not exceed the amount permitted by this Part.
3. Multiple-Use Basins. The design and construction of multiple-use stormwater detention facilities are strongly encouraged. In addition to stormwater management, where appropriate, facilities allow for recreational uses, including ball fields, play areas, picnic grounds, etc. Provision for parking facilities within basins and permanent wet ponds with stormwater management capabilities may also be appropriate. Prior approval and consultation with the municipality are required before design. Multiple-use basins shall be constructed so that potentially dangerous conditions are not created.
  4. Multiple-Development Basins. Stormwater management facilities designed to serve more than one property or development in the same watershed are encouraged. Staged construction of existing or proposed multiple-use detention facilities by several developers in conjunction with watershed development is encouraged. Each applicant shall be responsible for the incremental increase in stormwater runoff generated by the respective development and incremental construction improvements necessary for the overall detention facility. Prior approval and consultation with the municipality is required before design of such facilities.
  5. Alternative Detention Facilities. Alternative stormwater detention facilities including roof top, subsurface basins or tanks and in-pipe detention storage, or other approved alternative designs are permitted as determined by the municipality.
  6. Landscaping of Stormwater Management Facilities. Facilities constructed with berms or earthen embankments shall not be landscaped along the top of the impoundment berm, embankment, nor shall other facility areas constructed from compacted fill materials be landscaped. Heavy vegetative

- cover root penetration can cause soil weakening and damage to facility piping.
7. All wet basins shall be designed in a manner that seeks to mitigate the proliferation of mosquito breeding habitats and the potential spread of the West Nile Virus. This can be accomplished through the following means:
    - A. The design of a stormwater wetland/wet basin must include the selection of hydrophytic plant species for their pollutant uptake capabilities and for not contributing to the potential for vector mosquito breeding. The establishment of hydrophytic vegetation will promote the population of the wetland/wet basin by amphibians and other mosquito predators. Refer to Appendix B of the PA SWM BMP Manual (current version) for hydrophytic native plant species lists.
    - B. Aeration fountains and stocked fish can be added to keep larval mosquito populations in check.
  8. The municipality reserves the right to disapprove any design that would result in the construction or continuation of a stormwater problem area.
  9. When the elevation of any existing or proposed entrance to a structure, including windows, is lower than the elevation of the public cartway serving that site, a grading plan shall be submitted, reviewed and approved as part of the SWM approval process for the proposed structure.
  10. No stormwater detention facility shall be placed within 50 feet of a special geologic feature. No subsurface stormwater conveyance facility shall be constructed within 50 feet of a special geologic feature, without written permission of the municipality.
  11. Stormwater management facilities located outside of existing or proposed public rights-of-way shall be located within and accessible by easements granted to the municipality as follows:
    - A. **Drainage Easements.** Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement paralleling the centerline of such watercourse, drainageway, channel or stream. The width of the drainage easement will be adequate to preserve the unimpeded natural flow of the one-hundred-year storm, in accordance with computed top widths for water surface elevations. Drainage easements shall provide for maintenance, and for the purpose of widening, deepening, improving or protecting such drainage facilities.
    - B. **Access Easements.** Where proposed stormwater management facilities are not adjacent to proposed or existing public rights-of-ways or are not accessible due to physical constraints, as determined by the municipality, a twenty-foot-wide access easement specifying rights of

entry shall be provided. Access easements shall provide for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities. A permanent fifteen-foot-wide vehicular access road within the easement(s) shall be provided around all SWM BMPs, such as ponds and infiltration structures. The access roads shall connect to a public thoroughfare. The access road (when applicable) will also provide access at a slope no greater than 20% to the bottom of all ponds and associated outlet structures. The access road shall be constructed of either gravel or pavement and maintained per the maintenance agreement. The municipality reserves the right to alter the design of the access to any SWM BMP. Vehicle ingress and egress and access roads are not required for SWM BMPs serving one single-family residential lot and located on the same lot they serve.

- C. Maintenance Easements. A maintenance easement shall be provided which encompasses the stormwater facility and appurtenances and provides for access for maintenance purposes. The maintenance easement must be located at least 20 feet outside of the line of intersection of the one-hundred-year water surface elevation and the ground surface for the stormwater facility and appurtenances.
  - D. Easements shall state that no trees, shrubs, structures, excavation, placement of fill, or regrading are to be performed within the easement without written approval from the municipality upon review by the municipal engineer. Upon approval of the municipality, such landscaping may be placed in maintenance easements, provided it does not impede access.
  - E. Whenever practicable, easements shall be parallel to width and linked to property lines of the subdivision.
  - F. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the municipality and Solicitor. The acceptance of a drainage easement by the City shall not be construed to create any responsibility on the City to operate or maintain stormwater management facilities within the easement.
12. Under no circumstances shall roof drains discharge directly to sanitary sewer systems.

**§ 118. Special Protection Watershed Requirements. [Ord. 291, 8/18/2014]**

- 1. Projects that have the potential to discharge into surface waters that have existing or designated HQ or EV uses (including EV wetlands), have impairments due to stormwater, are connected to combined sewer systems, or have the potential to have an adverse effect on threatened or endangered

species, or critical habitat for such species, are subject to additional BMP measures that must be considered and implemented for projects occurring in these more environmentally-sensitive areas:

Constructed wetlands/wet ponds	Significant detention of peak flow rates is needed and the contributing drainage area is large; retrofit existing detention basins are construct new in open median or interchange areas.
Permeable pavement	Limited to park-and-ride sites and parking lots.
Manufactured products: Subsurface storage, water quality inlets, etc.	Subsurface storage products are designed to temper peak runoff events through infiltration and/or discharge rate reduction. Storm sewer inlet structures or inserts are designed to minimize the discharge of solids, floatables, and oil/grease pollutants. Regular maintenance of these products is necessary and is an important factor in assessing the feasibility of using one of these products.

2. Proposed infiltration BMPs within two miles on either side of surface water supply areas or surface waters that have existing or designated HQ or EV uses (including EV wetlands) must be designed and constructed to provide maximum pollutant removal prior to the runoff being infiltrated or discharged to the receiving stream. PA DEP defines the following zones around such waters:

- A. Zone A: Represents a one-quarter-mile buffer on either side of the river or stream extending from the area 1/4 mile downstream of the intake upstream to the five-hour time-of-travel (TOT) (Pennsylvania Department of Environmental Protection, 2006).
- B. Zone B: Represents a two-mile buffer on either side of the water body extending from the area 1/4 mile downstream of the intake upstream to the twenty-five-hour TOT. (Pennsylvania Department of Environmental Protection, 2006).
- C. Zone C: The remainder of the watershed area (Pennsylvania Department of Environmental Protection, 2006).

3. Groundwater Supply Protection.

- A. Zone 1: The innermost protective zone surrounding a well, spring, or existing infiltrative gallery. Zone 1 is the area within a radius of 400 feet around a community or public water supply source unless information is presented supporting a reduction of this requirement. Proposed infiltration BMPs are not permitted within Zone 1 protection areas (Pennsylvania Department of Environmental Protection, 2006).

- B. Zone 2: The capture zone that encompasses the area of the aquifer through which it supplies water to a well, spring, or existing infiltration gallery. Zone 2 is the one-half mile radius around a community or public water supply source unless more extensive hydrogeological testing is done. Extreme care should be used when implementing infiltration BMPs in Zone 2 areas. Pretreatment measures must be used to filter and diminish pollutants (Pennsylvania Department of Environmental Protection, 2006).
- C. Zone 3: The area outside Zone 2 that contributes significant recharge to the capture zone aquifer in Zone 2 (Pennsylvania Department of Environmental Protection, 2006). Use of infiltration BMPs is not restricted.
- D. Infiltration BMPs are not permitted within a radius of 50 feet from privately owned wells and water sources serving noncommunity supply systems (Pennsylvania Department of Environmental Protection, 2006).

### **C. SWM Site Plan and Report Requirements.**

#### **§ 119. Plan and Report Contents. [Ord. 291, 8/18/2014]**

- 1. All regulated activities that do not fall under the exemption criteria referenced herein shall submit an SWM site plan and report to the municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages.
- 2. The following items shall be included in the SWM site plan:
  - A. Appropriate sections from the municipal SALDO and other applicable ordinances shall be followed in preparing the SWM site plans.
  - B. The SWM site plan shall provide the following information:
    - (1) Unless specifically given written permission by the municipality, the following must be shown on the SWM site plan:
      - (a) Annotated maps, drawings, engineering plans, and construction details. Said plan shall be prepared by a qualified professional, with said preparer's seal and registration number affixed to the plan. Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 feet; for tracts of 20 acres or more, plans shall be drawn at a scale of one inch equals no more than 100 feet. Plans shall be submitted on the following sheet sizes: 18 inches by 24 inches, 24 inches



by 36 inches, and 36 inches by 42 inches. All lettering shall be drawn to a size to be legible if the plans are reduced to 1/2 size. All sheets comprising a submission shall be on one size.

- (b) The name of the proposed development and the name and address of the owner of the property and the individual or firm preparing the plan.
  - (c) Date of submission and revision, graphic scale, and North arrow.
  - (d) Total tract boundary with distances marked to the nearest foot and bearings to the nearest degree and the total acreage of the tract.
  - (e) Key map (drawn to scale) showing all existing natural and man-made features beyond the property boundary affected by the project and the extent of the watershed or sub-basin which drains through the project site.
  - (f) Existing and proposed topographic contours shall be provided at intervals not greater than five feet for existing and proposed conditions.
  - (g) Topographic contours at intervals less than five feet may be required for flat sites, and to depict certain existing and future stormwater management features. The reference datum used to develop topographic contours shall be stated on the plans.
  - (h) Existing and proposed use, including the total area of impervious surfaces after construction.
  - (i) Location and selected plant material used for vegetative filter paths to sinkholes, stream buffers, buffer yards, wetlands, streams, and other waters of the commonwealth, and the location of all notices to be posted, as specified in this Part. If stormwater management facilities are off-site, a note on the plan referring to location and agreements indicating responsibility for conveyance to and maintenance of the facilities; all such off-site facilities shall meet the design standards and criteria specified in this Part, and details of the facilities shall be included with the plan.
- (2) An erosion and sediment pollution control plan, as prepared for and submitted to the County Conservation District.

- (3) Plan and profile, and construction detail drawings of all SWM BMPs including open channels and swales.
  - (4) Locations of existing watercourses (including stream name per PA DEP Chapter 93 designation, or otherwise noted as "unnamed tributary" with Chapter 93 numeric designation) and existing and proposed on-lot wastewater facilities, water supply wells, and infiltration areas.
  - (5) Locations of all access and maintenance easements, suitable for Recording.
  - (6) Signature blocks:
    - (a) The following signature block for the municipality:

"\_\_\_\_\_, on this date (date of signature), has reviewed this SWM site plan in accordance with the design standards and criteria of the applicable City ordinances."
    - (b) The following signature block for the qualified professional:

"\_\_\_\_\_, on this date (date of signature), hereby certify that this SWM site plan was prepared in strict accordance with all of the design standards and criteria of all applicable City ordinances."
    - (c) The following signature block for the applicant/owner:

"\_\_\_\_\_, on this date (date of signature), has acknowledged that I/we and/or my/our assignees/grantees shall be responsible for maintenance of the stormwater management system shown hereon, in accordance with approved stormwater management ownership and maintenance plan for this project, and that such stormwater system shall remain as a permanent fixture that cannot be altered, replaced, or removed without prior written approval from the City."
  - (7) A note indicating that a copy of the record drawings will be submitted to the municipality by the applicant's registered engineer or surveyor for all stormwater facilities prior to occupancy, or the release of the surety bond. The municipality reserves the right to authorize the municipal engineer to review said record drawings.
3. The following items shall be included in the SWM Report:
- A. The overall stormwater management concept for the project.

- B. A determination of site conditions in accordance with Appendix B.<sup>14</sup> 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.
- C. Stormwater runoff design computations and documentation as specified in this Part, or otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Part, including the recommendations and general requirements in § 119. All calculations shall be submitted to the municipality on computation sheets for approval. If the municipality determines through review and independent computation that the size(s) of stormwater management facilities is insufficient, the municipality may require the applicant to increase the size(s) of said stormwater management facilities. If the storm drainage system design is completed on a computer installation, sufficient supporting data shall be provided to allow comprehensive review by Municipal officials.
- D. Expected project construction schedule.
- E. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing Municipal Stormwater collection system that may receive runoff from the project site.
- F. Copies of all permits related to the SWM site plan required by the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation (PA DOT), and United States Army Corps of Engineers (USACOE) and other regulatory agencies.
- G. The SWM site plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for operation and maintenance as well as schedules and costs for O&M activities.
- H. Hydrologic and hydraulic computations for all existing and proposed stormwater management facilities and measures.
- I. Construction specifications for SWM BMPs and storm drainage systems.
- J. Each stormwater management report shall contain provisions that clearly set forth the ownership and maintenance responsibility of all permanent stormwater management and erosion and sediment control facilities. Including:
  - (1) Description of maintenance requirements.

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<sup>14</sup>Editor's Note: Appendix B is included as an attachment to this chapter.

- (2) Establishment of suitable easements for access to all facilities by public officials, in accordance with this Part.
- (3) Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management facilities. In meeting this requirement, the following options are hereby provided for upon approval by the municipality:
  - (a) Facilities may be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restriction.
  - (b) A description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
  - (c) Ownership and maintenance may be the responsibility of a property owners' association. The stated responsibilities of the property owners' association in terms of owning and maintaining the stormwater management facilities shall be submitted with final plans for determination of their adequacy, and upon their approval shall be recorded with the approved subdivision plan among the county deed records. In addition, the approved subdivision plan and any deed written from said plan for a lot or lots shown herein shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of said property owners' association.
- (4) For stormwater management facilities that are proposed as part of the site development plan, the applicant will be required to execute a developer agreement and a maintenance agreement with the municipality for the construction and continued maintenance of the facilities prior to the signature approval on the final plan. Access for inspection by the municipality of all such facilities deemed critical to the public welfare at any reasonable time shall be provided.
- (5) In the event that the above priorities cannot be achieved, or where it is required, the facilities may be dedicated to the municipality in accordance with this Part. As a condition of municipality acceptance of said facilities, the applicant shall provide 15% of the cost of improvements, in the form of a maintenance bond, as estimated by the applicant's qualified professional, and approved by the municipality, to cover contingency maintenance costs for 18 months from the date of

stormwater management facilities acceptance of dedication. The fifteen-percent bond shall be based on the construction costs of the detention basin and outlet structure within the area dedicated to the municipality. Nothing in this paragraph shall be construed to impose any duty on the municipality to accept any offer of dedication, which shall be a matter of absolute discretion with the municipality.

**§ 120. Plan Submission. [Ord. 291, 8/18/2014]**

1. Three copies of the SWM site plan shall be submitted as follows:
  - A. Two copies to the municipality.
  - B. One copy to the municipal engineer (when applicable).
2. Additional copies shall be submitted as requested by the municipality.

**§ 121. Plan Review. [Ord. 291, 8/18/2014]**

1. The SWM site plan shall be reviewed by the municipality for consistency with the provisions of this Part. After review, the municipality will make the decision to approve or disapprove the SWM site plan. If the SWM site plan is disapproved upon review, the municipality shall state the reasons for the disapproval in writing. The municipality may also recommend approval of the SWM site plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. The SWM site plan review and recommendations shall be completed within the time allowed by the Municipalities Planning Code for reviewing subdivision and land development plans.
2. The municipality shall notify the applicant in writing within 45 calendar days whether the SWM site plan is approved or disapproved. If the SWM Plan involves a subdivision or land development plan, the notification period is 90 days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the municipality. If the municipality disapproves the SWM Plan, the municipality shall cite the reasons for disapproval in writing. A disapproved SWM site plan may be resubmitted, with the revisions addressing the municipality's concerns, to the municipality. The applicable review fee must accompany a resubmission of a disapproved SWM site plan.
3. The municipality's approval of a SWM site plan shall be valid for a period not to exceed five years. This five-year period shall commence on the date that the municipality signs the approved SWM site plan. If stormwater management facilities included in the approved SWM site plan have not been constructed, or if a record drawing of these facilities has not been approved within this five-year time period, then the municipality may

consider the SWM site plan disapproved and may revoke any and all permits. SWM site plans that are considered disapproved by the municipality shall be resubmitted in accordance with this Part.

**§ 122. Modification of SWM Plans. [Ord. 291, 8/18/2014]**

A modification to a submitted SWM site plan that involves a change in SWM BMPs or techniques, or that involves the relocation or re-design 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 municipality, shall require a resubmission of the modified SWM site plan in accordance with this Part.

**§ 123. Record Drawings and Final Inspection. [Ord. 291, 8/18/2014]**

1. The applicant/Developer shall be responsible for completing record drawings of all SWM BMPs included in the approved SWM site plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the municipality.
2. The submission shall include a signed statement from a qualified professional verifying that all permanent SWM BMPs have been constructed according to the plans and specifications and approved revisions thereto.
3. After receipt of the signed statement and the record drawings by the municipality, the municipality may conduct a final inspection.

**D. Operation and Maintenance.**

**§ 124. Responsibilities. [Ord. 291, 8/18/2014]**

1. The municipality shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan. The municipality may, in its discretion, 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 municipality will accept the facilities. The municipality reserves the discretion to accept or reject the ownership and operating responsibility for any or the entire stormwater management controls.
2. All SWM BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions.
3. The operation and maintenance plan shall be recorded as a restrictive deed covenant that runs with the land.
4. The municipality may take enforcement actions against an owner for any failure to satisfy the provisions of this subpart.

**§ 125. Operation and Maintenance Agreements. [Ord. 291, 8/18/2014]**

The owner is responsible for operation and maintenance of the SWM BMPs, and for preparing an operation and maintenance agreement in accordance with Appendix C.<sup>15</sup> If the owner fails to adhere to the operation and maintenance agreement, the municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property for such fees and all reasonable attorney fees and costs of collection.

**E. Fees and Expenses.****§ 126. General. [Ord. 291, 8/18/2014]**

The municipality may include all costs incurred in the review fee charged to an applicant. The review fee may include but not be limited to costs for the following:

1. Administrative/clerical processing.
2. Review of the SWM site plan.
3. Attendance at meetings.
4. Inspections.
5. Qualified professional review and meeting costs.

**F. Prohibitions.****§ 127. Prohibited Discharges and Connections. [Ord. 291, 8/18/2014]**

Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the waters of this commonwealth is prohibited.

**§ 128. Alteration of BMPs. [Ord. 291, 8/18/2014]**

No person shall modify, remove, fill, landscape, or alter any SWM BMPs without the prior written approval of the municipality.

**G. Enforcement and Penalties.****§ 129. Right-of-Entry. [Ord. 291, 8/18/2014]**

As a condition of approval of an applicant's stormwater management site plan, and upon presentation of proper credentials, the applicant agrees that the municipality, and/or their agents, may enter at reasonable times upon any property within the

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<sup>15</sup>Editor's Note: Appendix C is included as an attachment to this chapter.

municipality to inspect the condition of the stormwater structures and facilities concerning any aspect regulated by this Part.

**§ 130. Inspection. [Ord. 291, 8/18/2014]**

1. SWM BMPs shall be inspected by the land owner/developer (including municipality for dedicated facilities) according to the following list of frequencies:
  - A. Annually for the first five years.
  - B. Once every three years thereafter,
  - C. During or immediately after the cessation of a ten-year or greater storm.

**§ 131. Enforcement. [Ord. 291, 8/18/2014]**

1. 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 § 112.
2. It shall be unlawful to alter, remove, or fail to implement any control structure required by the SWM site plan.
3. Compliance Inspections regarding implementation of the SWM site plan are a responsibility of the municipality.

**§ 132. Suspension and Revocation. [Ord. 291, 8/18/2014]**

1. Any approval for a regulated activity may be suspended or revoked by the municipality for:
  - A. Noncompliance with, or failure to implement any provision of, the approval, including record drawings and operations and maintenance agreements.
  - B. A violation of any provision of this Part or any other applicable law, ordinance, rule or regulation relating to the regulated activity.
  - C. The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard or nuisance, or which endangers the life or property of others.
2. A suspended approval may be reinstated by the municipality when:
  - A. The municipality has inspected and approved the corrections to the violations that caused the suspension.



- B. The municipality is satisfied that the violation has been corrected.
3. An approval that has been revoked by the municipality cannot be reinstated. The applicant may apply for a new approval under the provisions of this Part.
  4. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the municipality may provide a limited time for the owner to correct the violation. In these cases, the municipality will provide the owner, or the owner's designee, with a written notice of the violation and the time allowed the owner to correct the violation. If the owner does not correct the violation within the allowed time, the municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Part. In the alternative, the municipality may itself cure the violation and assess all costs thereof, including reasonable attorney fees and collection costs, against any responsible parties and by filing a municipal claim against the property benefitted by the stormwater management facilities.

**§ 133. Violations and penalties. [Ord. 291, 8/18/2014]**

1. Any person violating the provisions of this Part may be assessed a civil penalty of not more than \$500 for each violation, recoverable with costs. Each day that the violation continues constitutes a separate violation, and penalties shall be cumulative.
2. In addition, the municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. 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.
3. The cost of removal, fines, or cure of any violation, and penalties hereinabove mentioned, may be entered by the municipality as a lien against such property, or properties of individual members of a property owners' association, in accordance with existing provisions of law.
4. If the municipality determines at any time that any permanent stormwater management facility has been eliminated, altered, or improperly maintained, the municipality shall advise the responsible party of required corrective measures, and shall provide said responsible party with a specific period to implement the required corrective measures.

**§ 134. Appeals. [Ord. 291, 8/18/2014]**

1. Any person aggrieved by any action of the municipality or its designee, relevant to the provisions of this Part, may appeal to City Council within 30 days of that action.

2. Any person aggrieved by any decision of City Council, relevant to the provisions of this Part, may appeal to the County Court Of Common Pleas of Elk County within 30 days of the decision of City Council.