

Chapter 152

STORMWATER MANAGEMENT

[HISTORY: Adopted by the Borough Council of the Borough of Evans City 4-4-2011 by Ord. No. 543.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 66.

Sewers and sewage disposal — See Ch. 142.

Uniform construction codes — See Ch. 76.

Streets and sidewalks — See Ch. 155.

Plumbing standards — See Ch. 131.

Subdivision and land development — See Ch. 158.

Property maintenance — See Ch. 139.

Water — See Ch. 182.

1. Editor's Note: This ordinance superseded former Ch. 152, Stormwater Management, adopted 12-4-2000 by Ord. No. 497.

ARTICLE I
General Provisions

§ 152-1. Short title.

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

§ 152-2. Statement of findings.

The governing body of Evans City Borough finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtakes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and 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 the people of the municipality and all the people of the commonwealth, their resources, and the environment.
- C. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns; accelerating stream flows (which increase scour and erosion of streambeds and stream banks thereby elevating sedimentation); destroying aquatic habitat; and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- D. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.
- F. Federal and state regulations require certain municipalities to implement a program of stormwater controls. 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).
- G. Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth.

§ 152-3. Purpose.

The purpose of this chapter is to promote health, safety, and welfare within Evans City Borough, Butler County, by minimizing the harms and maximizing the benefits described in § 152-2 of this chapter through provisions intended 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 the commonwealth.
- B. Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.
- C. Preserve the natural drainage systems as much as possible.
- D. Maintain groundwater recharge, to prevent degradation of surface water and groundwater quality, and to otherwise protect water resources.
- E. Maintain existing flows and quality of streams and watercourses.
- F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.
- G. Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes.
- H. Provide procedures, performance standards, and design criteria for stormwater planning and management.
- I. Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and Best Management Practices (BMPs) that are constructed and implemented.
- J. Provide standards to meet the NPDES permit requirements.
- K. Implement an illegal discharge detection and elimination program in MS4 permanent urbanized areas to address nonstormwater discharges into Evans City Borough's separate storm sewer system.

§ 152-4. Statutory authority.

- A. Primary authority. Evans City Borough is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. § 680.1 et seq., as amended, the "Storm Water Management Act," and the Borough Code.
- B. Secondary authority. Evans City Borough also 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.²

§ 152-5. Applicability.

- A. In Evans City Borough, all regulated activities and all activities that may affect

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

stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this chapter.

- B. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
- C. Regulated activities are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities include, but are not limited to, the following listed items:
 - (1) Earth disturbance activities.
 - (2) Land development.
 - (3) Subdivision.
 - (4) Construction of new or additional impervious or semipervious surfaces.
 - (5) Construction of new buildings or additions to existing buildings.
 - (6) Diversion or piping of any natural or man-made stream channel.
 - (7) Installation of stormwater management facilities or appurtenances thereto.
 - (8) Installation of stormwater BMPs.
- D. See § 152-13 of this chapter for exemption/modification criteria.

§ 152-6. Repealer; stricter provisions to apply.

Any ordinance, ordinance provision(s), or regulation of Evans City Borough inconsistent with any of the provision(s) of this chapter is hereby repealed to the extent of the inconsistency. However, if a stricter provision exists in any existing Borough ordinance, the stricter provision shall apply.

§ 152-7. Compatibility with other ordinance requirements.

Approvals issued and actions taken pursuant to this chapter do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. To the extent that this chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this chapter shall be followed.

§ 152-8. Duty of persons engaged in development of land.

Notwithstanding any provision(s) of this chapter, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall

include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

§ 152-9. Municipal liability disclaimer.

- A. Neither the granting of any approval under this chapter nor the compliance with the provisions of this chapter, 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 municipality for damages to persons or property.
- B. The granting of a permit which includes any stormwater management facilities shall not constitute a representation, guarantee or warranty of any kind by the municipality, 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 pursuant thereto.

ARTICLE II

Definitions

§ 152-10. Interpretation.

For the purpose of this chapter, 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 word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

§ 152-11. Terms defined.

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

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

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

ALTERATION — As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT — A landowner, developer, or other person who has filed an application for approval to engage in any regulated activities at a project site within the municipality.

BEST MANAGEMENT PRACTICES (BMPs) — 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: nonstructural or structural. Nonstructural BMPs are measures referred to as operational and/or behavior-related practices that

attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs are measures 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.

CHANNEL EROSION — The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

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

CONSERVATION DISTRICT — The Butler County Conservation District. The Butler County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

CULVERT — A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

DAM — An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

DESIGNEE — The agent of this municipality and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this chapter by contract or memorandum of understanding.

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

DETENTION BASIN — An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

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

DEVELOPER — A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this chapter.

DEVELOPMENT SITE (SITE) — The specific tract of land for which a regulated activity is proposed. Also see "project site."

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

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

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility

designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

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

DRAINAGEWAY — Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

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, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EROSION — The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN — A plan which is designed to minimize accelerated erosion and sedimentation.

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

EXISTING CONDITIONS — The initial condition of a project site prior to the proposed construction. If the initial condition of the site is undeveloped land and not forested, the land use shall be considered as "meadow" unless the natural land cover is documented to generate lower curve numbers or Rational "C" Coefficient.

FEMA — The Federal Emergency Management Agency.

FLOOD — A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the commonwealth.

FLOOD FRINGE — The remaining portions of the one-hundred-year floodplain outside of the floodway boundary.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Maps as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a one-hundred-year flood. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one-hundred-year-frequency 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-frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet landward from the top of the bank of the stream.

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 and the top of a dam, levee, tank, basin, or diversion ridge. The space is required as a safety margin in a tank, pond or basin.

GRADE — A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

GRADE, TO — To finish the surface of a roadbed, top of embankment or bottom of excavation.

GROUNDWATER RECHARGE — Replenishment of existing natural underground water supplies.

HEC-HMS MODEL CALIBRATED (Hydrologic Engineering Center Hydrologic Modeling System) — A computer-based hydrologic modeling technique adapted to the watershed(s) in Butler County for the Act 167 plan. The model has been calibrated by adjusting key model input parameters.

HIGH QUALITY WATERS — Surface water 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, Section 93.4b(a).

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 one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the U.S. 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 in the area of interest may be identified from a soil survey report from the local NRCS office or the county conservation district.

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

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

INFILTRATION STRUCTURES — A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).

INLET — A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

LAND DEVELOPMENT (DEVELOPMENT) —

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 Section 503(1.1) of the Pennsylvania Municipalities Planning Code.³

LOW-IMPACT DEVELOPMENT (LID) — An approach to land development that uses various land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID still allows land to be developed, but in a cost-effective manner that helps mitigate potential environmental impacts.

MAIN STEM (MAIN CHANNEL) — Any stream segment or other runoff conveyance facility used as a reach in the Butler County Act 167 watershed hydrologic model(s).

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.

MUNICIPALITY — Evans City Borough, Butler County, Pennsylvania.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NOAA ATLAS 14 — Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at internet address <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

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.

NRCS — Natural Resource Conservation Service [previously Soil Conservation Service (SCS)].

OPEN CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

OUTFALL —

A. Point where water flows from a conduit, stream, or drain;

B. "Point source" as described in 40 CFR 122.2 at the point where the municipality's

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

storm sewer system discharges to surface waters of the commonwealth.

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

PADEP — The Pennsylvania Department of Environmental Protection.

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

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

PERSON — An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PERVIOUS AREA — Any area not defined as impervious.

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

PLANNING COMMISSION — The Planning Commission of Evans City Borough.

POINT SOURCE — Any discernible, confined, or 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 § 92.1.⁴

PROBABLE MAXIMUM FLOOD (PMF) — The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined on the basis of data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

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

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

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

REDEVELOPMENT — Earth disturbance activities on land which has previously been developed.

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 92⁵ or Chapter 102 or the Clean Streams Law.

RELEASE RATE — The percentage of predevelopment peak rate of runoff from a site

4. Editor's Note: Chapter 92 of the Pa. Code was reserved 10-8-2010. Defined terms can now be found at 25 Pa. Code § 92a.2.

5. Editor's Note: See now 25 Pa. Code Chapter 92a.

or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

RELEASE RATE DISTRICT — Those subwatershed areas in which post-development flows must be reduced to a certain percentage of predevelopment flows as required to meet the plan requirements and the goals of Act 167.

RETENTION BASIN — An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

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 recur. For example, the twenty-five-year-return-period rainfall would be expected to recur on the average once every 25 years, or stated in another way, the probability of a twenty-five-year storm occurring in any one given year is 0.04 (i.e., a four-percent chance).

RIPARIAN BUFFER — A vegetated area bordering perennial and intermittent streams and wetlands that serves as a protective filter to help protect streams/wetlands from the impacts of adjacent land uses.

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.

ROAD MAINTENANCE — Earth disturbance activities within the existing road right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road (such as milling and overlays) are not considered earth disturbance activities.

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 surface.

RUNOFF CAPTURE VOLUME — The volume of runoff that is captured (retained) and not released into surface waters of the commonwealth during or after a storm event.

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.

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

SEDIMENT POLLUTION — The placement, discharge, or any other introduction of sediment into waters of the commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this chapter.

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 ground.

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.

SHEET FLOW — Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

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).

SPILLWAY (EMERGENCY) — A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

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.

STORAGE INDICATION METHOD — A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the 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 also "return period."

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

STORMWATER — Runoff from the surface of the land resulting from precipitation, snow, or ice melt.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.

STORMWATER MANAGEMENT FACILITIES — 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 PLAN — The Butler County Stormwater Management Plan for managing stormwater runoff in Butler County as required by the Act of October 4, 1978, P.L. 864 (Act 167), and known as the "Stormwater Management Act."⁶

STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN) — The plan

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

prepared by the applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this chapter.

STREAM ENCLOSURE — A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated waters of the commonwealth.

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, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt (Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247).⁷

SUBWATERSHED AREA — The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

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

TIMBER OPERATIONS — See "forest management."

TIME OF CONCENTRATION (T_c) — 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.

USDA — The United States Department of Agriculture.

WATERCOURSE — A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED — Area drained by a river, watercourse, or other surface water, whether natural or artificial.

WATERS OF THE COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

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 and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

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

ARTICLE III
Stormwater Management Standards

§ 152-12. General requirements.

- A. For all regulated activities, unless specifically exempted in § 152-13:
- (1) Preparation and implementation of an approved SWM site plan is required.
 - (2) No regulated activities shall commence until the municipality issues written approval of a SWM site plan, which demonstrates compliance with the requirements of this chapter.
 - (3) The SWM site plan shall demonstrate that adequate capacity will be provided to meet the volume and rate control requirements, as described under §§ 152-15 and 152-16 of this chapter.
 - (4) The SWM site plan approved by the municipality shall be on site throughout the duration of the regulated activities.
- B. 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) to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pennsylvania Code (including, but not limited to, Chapter 102, Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
- C. For all regulated activities, stormwater BMPs shall be designed, installed, 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 and the Clean Streams Law, conform to the state water quality requirements, meet all requirements under the Stormwater Management Act and any more-stringent requirements as determined by the municipality.
- D. The municipality may, after consultation with PADEP and the Conservation District, 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.
- E. All regulated activities shall include, to the maximum extent practicable, measures 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, natural slopes, existing native vegetation and woodlands.
 - (b) Create, maintain, or extend riparian buffers and protect existing forested

buffers.

- (c) Provide trees and woodlands adjacent to impervious areas whenever feasible.
- (d) Minimize the creation of impervious surfaces and the degradation of waters of the commonwealth and promote groundwater recharge.
- (e) Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
- (f) Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
- (g) Avoid erosive flow conditions in natural flow pathways.
- (h) Minimize soil disturbance and soil compaction.
- (i) Minimize thermal impacts to waters of the commonwealth.
- (j) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible, and decentralize and manage stormwater at its source.

F. Impervious areas.

- (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 developments taking place in stages, the entire development plan must be used in determining conformance with this chapter.

G. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the applicant 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.

- (1) Applicant must provide an easement for proposed concentrated flow across adjacent properties to a drainage way or public right-of-way.
- (2) Such stormwater flows shall be subject to the requirements of this chapter.

H. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.

I. Where watercourses traverse a development site, drainage easements (with a minimum width of 20 feet and include the one-hundred-year water surface) 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, maintenance, including the mowing of vegetation within the easement, may

be required, except as approved by the appropriate governing authority.

- J. 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 under regulations at 25 Pa. Code Chapter 105 through the joint permit application process or, where deemed appropriate by PADEP, through the general permit process.
- K. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this chapter, that will be located in or adjacent to waters of the commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 Pa. Code Chapter 105 through the joint permit application process or, where deemed appropriate by PADEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant 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.
- L. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
- M. Any stormwater management facilities regulated by this chapter that will be located on or discharged onto state highway rights-of-ways shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- N. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for detention facilities.
- O. Infiltration BMPs should be dispersed throughout the site, 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.
- P. The design of facilities over karst shall include an evaluation and implementation of measures to minimize adverse effects.
- Q. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the municipality shall permit it on a case-by-case basis.
- R. Applicants are encouraged to use low-impact development practices to reduce the costs of complying with the requirements of this chapter and the state water quality requirements.
- S. When stormwater management facilities are proposed within 1,000 feet of a downstream municipality, the developer shall notify the downstream municipality and provide a copy of the SWM plan, if requested, for review and comment.

§ 152-13. Exemptions; modifications.

- A. Under no circumstance shall the applicant be exempt from implementing such measures as necessary to:
- (1) Meet state water quality standards and requirements.
 - (2) Protect health, safety, and property.
 - (3) Meet special requirements for high quality (HQ) and exceptional value (EV) watersheds.
- B. The applicant must demonstrate that the following BMPs are being utilized to the maximum extent practicable to receive consideration for the exemptions:
- (1) Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special value features.
 - (2) Maintain riparian and forested buffers.
 - (3) Limit grading and maintain nonerosive flow conditions in natural flow paths.
 - (4) Maintain existing tree canopies near impervious areas.
 - (5) Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
 - (6) Direct runoff to pervious areas.
- C. The applicant must demonstrate that the proposed development/additional impervious area will not adversely impact the following:
- (1) Capacities of existing drainageways and storm sewer systems.
 - (2) Velocities and erosion.
 - (3) Quality of runoff if direct discharge is proposed.
 - (4) Existing known problem areas.
 - (5) Safe conveyance of the additional runoff.
 - (6) Downstream property owners.
- D. An applicant proposing regulated activities may be eligible for exemption from rate control, volume control, or stormwater management site plan requirements in this chapter according to the following table:

Table 1: Exemptions and Submission Requirements

New Impervious Area^{1,2}	Applicant Must Provide
(square footage)	
0 to less than 2,500	No submission is required
2,500 to less than 5,000	Documentation of new impervious surfaces ³
5,000 and greater	Rate controls, volume controls and SWM site plan

NOTES:

- ¹ New impervious area since the date of adoption of this chapter.
- ² Gravel in existing condition shall be considered pervious, and gravel in proposed condition shall be considered impervious.
- ³ The Small Project Stormwater Management Application included in Appendix E shall be used to document new impervious surfaces.⁸

- E. Single-family residential activities are exempt from these requirements, provided that the construction:
- (1) Complies with §§ 152-12G and 152-13A, B and C; and
 - (2) Has building setback 75 feet from downstream property lines; and
 - (3) 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) The length of flow on the pervious surface must exceed the length of the paved surface flow.
 - (4) The municipality can require more information or require mitigation of certain impacts through installation of stormwater management BMPs if there is a threat to property, health, or safety.
- F. An applicant proposing regulated activities, after demonstrating compliance with § 152-13A, B and C, may be exempted from various requirements of this chapter if documentation can be provided that a downstream man-made water body (i.e., reservoir, lake, or man-made wetlands) has been designed or modified to address the potential stormwater flooding impacts of the proposed development.
- G. The purpose of this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject. The municipality may accept alternative

8. Editor's Note: The Small Project Stormwater Management Application is on file in the office of the Borough Secretary.

stormwater management controls under this section, provided that:

- (1) The municipality, in consultation with the PADEP (or delegated authority), determines that meeting the volume control requirements (see § 152-15) is not possible or places an undue hardship on the applicant.
 - (2) The alternative controls are documented to be acceptable to PADEP (or delegated authority), for NPDES requirements pertaining to post-construction stormwater management requirements.
 - (3) The alternative controls are in compliance with all other sections of this chapter, including but not limited to §§ 152-12D and 152-13A through C.
- H. Agricultural activities are exempt from the rate control and SWM site plan preparation requirements of this chapter, provided that the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- I. Forest management and timber operations are exempt from the rate and volume control requirement and SWM site plan preparation requirement of this chapter, provided that the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.
- J. The municipality may deny or revoke any exemption pursuant to this section at any time for any project that the municipality believes may pose a threat to public health, safety, property or the environment.

§ 152-14. Waivers.

- A. The provisions of this chapter are the minimum standards for the protection of the public welfare.
- B. Waiver requests.
- (1) All waiver requests must meet the provisions of § 152-14G and H. 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.
 - (2) Municipalities will then consider waivers in accordance with § 152-12D.
- C. If an applicant demonstrates to the satisfaction of the governing body of the municipality that any mandatory provision of this chapter is unreasonable or causes unique or undue unreasonableness or hardship as it applies to the proposed project, or that an alternate design may result in a superior result within the context of §§ 152-2 and 152-3 of this chapter, the governing body of the municipality, upon obtaining the comments and recommendations of the Municipal Engineer, may grant a waiver or relief so that substantial justice may be done and the public interest is secured, provided that such waiver will not have the effect of nullifying the intent and purpose of this chapter.

- D. 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 chapter 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 chapter.
- E. The municipality shall keep a written record of all actions on waiver requests.
- F. 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.
- G. 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.
- H. The municipality may grant applications for waivers when the following findings are made, as relevant:
 - (1) That the waiver shall result in an equal or better means of complying with the intent of this chapter.
 - (2) That the waiver is the minimum necessary to provide relief.
 - (3) That the applicant is not requesting a waiver based on cost considerations.
 - (4) That existing downgradient stormwater problems will not be exacerbated.
 - (5) That runoff is not being diverted to a different drainage area.
 - (6) That increased flooding or ponding on off-site properties or roadways will not occur.
 - (7) That potential icing conditions will not occur.
 - (8) That an increase of peak flow or volume from the site will not occur.
 - (9) That erosive conditions due to increased peak flows or volume will not occur.
 - (10) That adverse impact to water quality will not result.
 - (11) That increased one-hundred-year floodplain levels will not result.
 - (12) That increased or unusual municipal maintenance expenses will not result from the waiver.
 - (13) That the amount of stormwater generated has been minimized to the greatest extent allowed.
 - (14) That infiltration of runoff throughout the proposed site has been provided where practicable and predevelopment groundwater recharge protected.

- (15) That peak flow attenuation of runoff has been provided.
- (16) That long-term operation and maintenance activities are established.
- (17) 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.

§ 152-15. Volume controls.

- A. The low-impact development practices provided in the BMP Manual and in Appendix B⁹ of this chapter shall be utilized for all regulated activities to the maximum extent practicable.
- B. Stormwater runoff volume controls shall be implemented using the Design Storm Method or the Simplified Method as defined below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this chapter establishes no preference for either method; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.
 - (1) The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized regulated activity. This method requires detailed modeling based on site conditions.
 - (a) Do not increase the post-development total runoff volume when compared to the predevelopment total runoff volume for the two-year/twenty-four-hour storm event.
 - (b) For hydrologic modeling purposes:
 - [1] Existing nonforested pervious areas must be considered meadow (good condition) for predevelopment hydrologic calculations.
 - [2] Twenty percent of existing impervious area, when present within the proposed project site, shall be considered meadow (good condition) for predevelopment hydrologic calculations for redevelopment.
 - (2) The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one acre or for projects that require detailed design of stormwater storage facilities. For new impervious surfaces:
 - (a) Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
 - (b) 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 surface waters of the commonwealth. Removal options include

9. Editor's Note: Appendix B, Low-Impact Development Practices, is on file in the office of the Borough Secretary.

reuse, evaporation, transpiration, and infiltration.

- (c) 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.
 - (d) Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required. Infiltration tests shall be conducted in accordance with the BMP Manual. Notification of the municipality shall be provided to allow witnessing of the testing.
- (3) In cases where it is not possible or desirable to use infiltration-based best management practices to partially fulfill the requirements in either § 152-15B(1) or § 152-15B(2), the following procedure shall be used:
- (a) At a minimum, the following documentation shall be provided to justify the decision not to use infiltration BMPs:
 - [1] Description of and justification for field infiltration/permeability testing with respect to the type of test and test locations.
 - [2] An interpretive narrative describing existing site soils and their structure as these relate to the interaction between soils and water occurring on the site. In addition to providing soil and soil profile descriptions, this narrative shall identify depth to seasonal high water tables and depth to bedrock and provide a description of all subsurface elements (fragipans and other restrictive layers, geology, etc.) that influence the direction and rate of subsurface water movement.
 - [3] A qualitative assessment of the site's contribution to annual aquifer recharge shall be made, along with identification of any restrictions or limitations associated with the use of engineered infiltration facilities.
 - [4] The provided documentation must be signed and sealed by a professional engineer or geologist.
 - (b) The following water quality pollutant load reductions will be required for all disturbed areas within the proposed development:

Pollutant Load	Units	Required Reduction
		(%)
Total suspended solids (TSS)	Pounds	85%
Total phosphorous (TP)	Pounds	85%
Total nitrate (NO ₃)	Pounds	50%

- (c) The performance criteria for water quality best management practices shall be determined from the Pennsylvania Stormwater Best Management

Practices Manual, most current version.

- C. The applicable worksheets from the BMP Manual must be used in calculations to establish volume control.

§ 152-16. Rate controls.

- A. Lands contained within Butler County that have not had release rates established under an approved Act 167 Stormwater Management Plan:
- (1) Post-development discharge rates shall not exceed the predevelopment discharge rates for the one-year, two-year, ten-year, twenty-five-year, fifty-year, and one-hundred-year storms.
- B. Lands contained within Butler County that have had release rates established under an approved Act 167 Stormwater Management Plan:
- (1) The post-development peak discharge rates shall be in accordance with the approved release rate map for the following watersheds (see appendixes for Release Rate Map):¹⁰
 - (a) Connoquenessing Creek Watershed.

§ 152-17. Sensitive areas and stormwater hotspots.

- A. Sensitive areas and water-quality-sensitive developments, as defined below, which require special consideration with regard to stormwater management.
- (1) "Sensitive areas" are defined as those areas that, if developed, have the potential to endanger a water supply. These areas consist of the delineated one-year zone of contribution and direct upslope areas tributary to the water supply wells. Municipalities may update the sensitive area boundaries based on new research or studies as required.
 - (2) "Stormwater hotspots" are defined as a land development project that has a high potential to endanger local water quality and could potentially threaten groundwater reservoirs. The Municipal Engineer will determine what constitutes these classifications on a case-by-case basis. The PADEP wellhead protection contaminant source list shall be used as a guide in these determinations. Industrial manufacturing site and hazardous material storage areas must provide NPDES SIC codes.
- B. Performance standards.
- (1) The location of the boundaries of sensitive areas is set by drainage areas tributary to any public water supply. The exact location of these boundaries as they apply to a given development site, shall be determined using mapping at a scale which accurately defines the limits of the sensitive area. If the project site is within the sensitive area (in whole or in part), two-foot contour interval mapping shall be provided to define the limits of the sensitive area. If the project site is adjacent to but within 500 linear feet of a defined sensitive area,

10. Editor's Note: Said map is on file in the office of the Borough Secretary.

a five-foot contour interval map defining the limits of the sensitive area shall be included in the stormwater management plan to document the site's location relative to the sensitive area.

- (2) Stormwater hotspots may be required to prepare and implement a stormwater pollution prevention plan and file notice of intent as required under the provision of the EPA industrial stormwater NPDES permit requirements.
- (3) Stormwater hotspots must use an acceptable pretreatment BMP prior to volume control and/or rate control BMPs. Acceptable pretreatment BMPs for these developments include those based on filtering, settling, or chemical reaction processes such as coagulation.

ARTICLE IV
(Reserved)

§ 152-18. through § 152-27. (Reserved)

ARTICLE V
Protected Watershed Standards

§ 152-28. Protected watershed requirements.

- A. For any regulated activity within a protected watershed (high quality or exceptional value), the applicant shall meet requirements as contained in 25 Pa. Code Chapter 93, as required and applicable.
- B. Existing resources and site analysis plan. Shall be prepared to provide the developer and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The municipality shall review the plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. The following information shall be required:
- (1) Complete current perimeter boundary survey of the property to be subdivided or developed prepared by a registered surveyor, showing all courses, distances, and area and tie-ins to all adjacent intersections.
 - (2) A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.
 - (3) Natural features, including:
 - (a) Contour lines at intervals of not more than two feet. (Ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps.) Contour lines shall be based on information derived from a topographic survey for the property, evidence of which shall be submitted, including the date and source of the contours. Datum to which contour elevations refer and references to known, established bench marks and elevations shall be included on the plan.
 - (b) Steep slopes in the following ranges: 15% to 25%, 25% and greater. The location of these slopes shall be graphically depicted by category on the plan. Slope shall be measured over three or more two-foot contour intervals.
 - (c) Areas within the floodway, flood-fringe, and approximated floodplain.
 - (d) Watercourses, either continuous or intermittent and named or unnamed, and lakes, ponds or other water features as depicted on the USGS Quadrangle Map, most current edition.
 - (e) Wetlands and wetland margins.
 - (f) Riparian buffers.
 - (g) Soil types and their boundaries, as mapped by the USDA Natural Resource Conservation Service, including a table listing the soil characteristics pertaining to suitability for construction and, in unsewered

areas, for septic suitability. Alluvial and hydric soils shall specifically be depicted on the plan.

- (h) Existing vegetation, denoted by type, including woodlands, hedgerows, tree masses, treelines, individual freestanding trees over six inches DBH, wetland vegetation, pasture or croplands, orchards, permanent grassland, old fields, and any other notable vegetative features on the site. Vegetative types shall be described by plant community, relative age, and condition.
 - (i) Any identified Pennsylvania Natural Diversity Inventory (PNDI) site conflicts.
 - (j) Geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more-detailed data obtained by the applicant.
 - (4) Existing man-made features, including:
 - (a) Location, dimensions, and use of existing buildings and driveways.
 - (b) Location, names, widths, center-line courses, paving widths, identification numbers, and rights-of-way of existing streets and alleys.
 - (c) Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 - (d) Location and size of existing sanitary sewage facilities.
 - (e) Location and size of drainage facilities.
 - (f) Location of water supply facilities, including wellhead protection areas.
 - (g) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size, and ownership.
 - (h) Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.
 - (5) Total acreage of the tract, the adjusted tract area, where applicable, and the constrained land area with detailed supporting calculations.
- C. Stormwater management system concept plan. A written and graphic concept plan of the proposed post-development stormwater management system shall be prepared and include:
- (1) Preliminary selection and location of proposed structural stormwater controls.
 - (2) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains.
 - (3) Location of floodplain/floodway limits.
 - (4) Relationship of site to upstream and downstream properties and drainages.

- (5) Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- D. Consultation meeting. Prior to any stormwater management permit application submission, the landowner or developer shall meet with the municipality for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed project. This consultation meeting shall take place at the time of the preliminary plan or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- E. All proposed regulated activities within a protected watershed shall utilize, to the maximum extent possible, low-impact development practices as contained in Appendix B.¹¹
 - (1) SWM plan and report shall address the following:
 - (a) Design using nonstructural BMPs.
 - [1] Lot configuration and clustering:
 - [a] Reduced individual lot impacts by concentrated/clustered uses and lots.
 - [b] Lots/development configured to avoid critical natural areas.
 - [c] Lots/development configured to take advantage of effective mitigative stormwater practices.
 - [d] Lots/development configured to fit natural topography.
 - [2] Minimum disturbance:
 - [a] Define disturbance zones (excavation/grading) for the site and individual lots to protect maximum total site area from disturbance.
 - [b] Barriers/flagging proposed to protect designated nondisturbance areas.
 - [c] Considered mitigative practices for minimal disturbance areas (e.g., soil restoration).
 - [d] Considered reforestation and revegetation opportunities.
 - [3] Reduce impervious coverage:
 - [a] Reduced road width.
 - [b] Reduced driveway lengths and widths.

11. Editor's Note: Appendix B, Low-Impact Development Practices, is on file in the office of the Borough Secretary.

- [c] Reduced parking ratios and sizes.
 - [d] Utilized porous surfaces for applicable features.
- [4] Stormwater disconnected from impervious area.
 - [a] Disconnected drives/walkways/small impervious areas to natural areas.
 - [b] Use rain barrels and/or cisterns for lot irrigation.
- (b) Apply structural BMP selection process that meets runoff quantity and quality needs.
 - [1] Manage close to source with collection with conveyance minimized.
 - [2] Consistent with site factors (e.g., soils, slope, available space, amount of sensitive areas, pollutant removal needs).
 - [3] Minimize footprint and integrate into already disturbed areas/other building program components (e.g., recharge beneath parking areas, vegetated roofs).
 - [4] Consider other benefits such as aesthetic, habitat, recreational and educational benefits.
 - [5] BMPs selected based on maintenance needs that fit owner/users.
 - [6] BMPs sustainable using a long-term maintenance plan.

ARTICLE VI
(Reserved)

§ 152-29. through § 152-38. (Reserved)

ARTICLE VII
Design Criteria

§ 152-39. Design criteria for stormwater management and drainage facilities.

A. General design guidelines.

- (1) Stormwater shall not be transferred from one watershed to another, unless:
 - (a) The watersheds are subwatersheds of a common watershed which join together within the perimeter of the property;
 - (b) The effect of the transfer does not alter the peak rate discharge onto adjacent lands; or
 - (c) Easements from the affected landowner(s) are provided.
- (2) Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a predevelopment flow type of condition.
- (3) Innovative stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, dry wells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided that they are accompanied by detailed engineering plans and performance capabilities and supporting site-specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Municipal Engineer (a preapplication meeting is suggested).
- (4) All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
- (5) The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The municipality shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the plan.
- (6) The design and the construction of multiple-use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses, including ball fields, play areas, picnic grounds, etc. Consultation with the municipality and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.
 - (a) Multiple use basins should be constructed so that potentially dangerous conditions are not created.

- (b) Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.
- (7) Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.

§ 152-40. Calculation methodology.

- A. All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.
- B. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Other methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site and approved by the Municipal Engineer.
- C. Rainfall values:
 - (1) Rational Method. The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.
 - (2) NRCS Rainfall-Runoff Method. The Soil Conservation Service Type II, twenty-four-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following table:

Return Interval	Twenty-Four-Hour Rainfall Total
(year)	(inches)
1	2.02
2	2.41
10	3.38
25	4.00
50	4.50
100	5.03

- D. Runoff volume.
 - (1) Rational Method: not to be used to calculate runoff volume.
 - (2) NRCS Rainfall-Runoff Method. This method shall be used to estimate the change in volume due to regulated activities. Combining curve numbers for land areas proposed for development with curve numbers for areas unaffected by the proposed development into a single weighted curve number is not acceptable.

E. Peak flow rates.

- (1) Rational Method. This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
- (2) NRCS Rainfall-Runoff Method.
 - (a) This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:
 - [1] NRCS's TR-55: limited to 100 acres in size.
 - [2] NRCS's TR-20, WinTR-20, WinTR-55, HEC-HMS: no watershed size limitations.
 - [3] Other models as preapproved by the Municipal Engineer.
 - (b) The NRCS Antecedent Runoff Condition II (ARC II, previously AMC II) must be used for all simulation. The use of continuous simulation models that vary the ARC is not permitted for stormwater management purposes.
- (3) For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

F. Runoff coefficients.

- (1) Rational Method. Use Table C-1 (Appendix C).¹²
- (2) NRCS Rainfall-Runoff Method. Use Table C-2 (Appendix C). Curve numbers (CNs) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CNs should realistically be rounded to the nearest whole number.
- (3) For the purposes of predevelopment peak flow rate and volume determination, existing nonforested pervious area conditions shall be considered as meadow (good condition).
- (4) For the purposes of predevelopment peak flow rate and volume determination, 20% of existing impervious area, when present, shall be considered meadow (good condition).

G. Design storm.

- (1) All stormwater management facilities shall be verified by routing the proposed one-year, two-year, ten-year, twenty-five-year, fifty-year, and one-hundred-

12. Editor's Note: Appendix C, Stormwater Management Design Criteria, is on file in the office of the Borough Secretary.

year hydrographs through the facility using the Storage Indication Method or Modified Puls Method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

- (2) The stormwater management and drainage system shall be designed to safely convey the post-development one-hundred-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.
- (3) All structures (culvert or bridges) proposed to convey runoff under a municipal road shall be designed to pass the fifty-year design storm with a minimum one foot of freeboard measured below the lowest point along the top of the roadway.

H. Time of concentration.

- (1) The time of concentration is to represent the average condition that best reflects the hydrologic response of the area. The following time of concentration (Tc) computational methodologies shall be used unless another method is preapproved by the Municipal Engineer:

- (a) Predevelopment: NRCS's Lag Equation:

Time of Concentration = Tc = [(Tlag/0.6) * 60] (minutes)

$$T_{lag} = L^{0.8} \frac{(S+1)^{0.7}}{1900\sqrt{Y}}$$

Where:

- Tlag = Lag time (hours)
- L = Hydraulic length of watershed (feet)
- Y = Average overland slope of watershed (percent)
- S = Maximum retention in watershed as defined by S = [(1,000/CN) - 10]
- CN = NRCS curve number for watershed

- (b) Post-development; commercial, industrial, or other areas with large impervious areas (>20% impervious area): NRCS Segmental Method. The length of sheet flow shall be limited to 100 feet. Tc for channel and pipe flow shall be computed using Manning's Equation.
 - (c) Post-development; residential, cluster, or other low-impact designs less than or equal to 20% impervious area: NRCS Lag Equation or NRCS Segmental Method.
- (2) Additionally, the following provisions shall apply to calculations for time of concentration:
 - (a) The post-development Tc shall never be greater than the predevelopment Tc for any watershed or subwatershed. This includes when the designer has specifically used swales to reduce flow velocities. In the event that the designer believes that the post-development Tc is greater, it will still

be set by default equal to the predevelopment T_c for modeling purposes.

- (b) The minimum T_c for any watershed shall be five minutes.
 - (c) The designer may choose to assume a five-minute T_c for any post-development watershed or subwatershed without providing any computations.
 - (d) The designer must provide computations for all predevelopment T_c paths. A five-minute T_c cannot be assumed for predevelopment.
 - (e) Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the predevelopment conditions for purposes of T_c calculation.
- I. Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining predevelopment flows. If left undisturbed during construction activities, areas draining to closed depressions may also be used to reduce peak runoff rates in the post-development analysis. New, additional contributing runoff should not be directed to existing sinkholes or closed depressions.
 - J. Where uniform flow is anticipated, Manning's Equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Manning's Equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PennDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the ten-year design event is contained below the top of grate for each inlet box.
 - K. The municipality has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more-appropriate runoff and time-of-concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the municipality.

ARTICLE VIII
SWM Site Plan and Report Requirements

§ 152-41. General requirements.

For any of the activities regulated by this chapter and not eligible for the exemptions provided in § 152-13, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity may not proceed until the applicant has received written approval of a SWM site plan from the municipality.

§ 152-42. Contents.

The SWM site plan and SWM site report shall consist of all applicable calculations, maps, and plans. All SWM site plan materials shall be submitted to the municipality in a format that is clear, concise, legible, neat and well organized; otherwise, the SWM site plan shall be rejected. Appropriate sections from the Municipal Subdivision and Land Development Ordinance,¹³ and other applicable local ordinances, shall be followed in preparing the SWM site plan.

A. SWM site plan shall include, but not be limited to:

- (1) Plans shall be of one size and in a form that meets the requirements for recording in the Office of the Recorder of Deeds of Butler County.
 - (a) Plans for tracts of less than 20 acres shall be drawn at a scale of one inch equals no more than 50 feet.
 - (b) Plans for tracts of 20 acres or more shall be drawn at a scale of one inch equals no more than 100 feet.
 - (c) Lettering shall be drawn to a size to be legible if the plans are reduced to 1/2 size.
- (2) The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site plan.
- (3) The date of submission and dates of all revisions.
- (4) A graphical and written scale on all drawings and maps.
- (5) A North arrow on all drawings and maps.
- (6) A location map at a minimum scale of one inch equals 1,000 feet, illustrating the project relative to highways, municipalities or other identifiable landmarks.
- (7) Metes and bounds description of the entire tract perimeter.
- (8) Existing and final contours at intervals:

13. Editor's Note: See Ch. 158, Subdivision and Land Development.

- (a) Slopes less than 5%: no greater than one foot.
 - (b) Slopes between 5% and 15%: no greater than two feet.
 - (c) Steep slopes (greater than 15%): five-foot contour intervals may be used.
- (9) Perimeters of existing water bodies within the project area, including stream banks, lakes, ponds, springs, field-delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA-delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths. In addition, any areas necessary to determine downstream impacts, where required for proposed stormwater management facilities, must be shown.
 - (10) The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within 50 feet of property lines, including inlets, manholes, valves, meters, poles, chambers, junction boxes, and other utility system components.
 - (11) A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
 - (12) Soil names and boundaries with identification of the hydraulic soil group classification, including rock outcroppings.
 - (13) Proposed impervious surfaces (structures, roads, paved areas, and buildings), including plans and profiles of roads and paved areas and floor elevations of buildings.
 - (14) Existing and proposed land use(s).
 - (15) Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
 - (16) The location and clear identification of the nature of permanent stormwater BMPs.
 - (17) The location of all erosion and sedimentation control facilities, shown on a separate plan from the SWM site plan (typically an E&S plan).
 - (18) A minimum twenty-foot-wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the municipality or its designees access to all easements via the nearest public right-of-way.
 - (19) Construction details for all drainage and stormwater BMPs.
 - (20) Construction sequence.
 - (21) Identification of short-term and long-term ownership, operations, and maintenance responsibilities.
 - (22) Notes and statements:

- (a) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by the municipality.
- (b) A statement referencing the operation and maintenance (O&M) agreement and stating that the O&M agreement is part of the SWM site plan.
- (c) A note indicating that record drawings will be provided for all stormwater facilities prior to occupancy or the release of the surety bond.
- (d) The following signature block for the registered professional preparing the stormwater management plan:

"I, _____, hereby certify that the Stormwater Management Plan meets all design standards and criteria of the Evans City Borough's Stormwater Management Ordinance."
- (e) The following signature block for the Municipal Engineer reviewing the stormwater management plan:

"I, _____, have reviewed this Stormwater Management Plan in accordance with the Design Standards and Criteria of the Evans City Borough's Stormwater Management Ordinance."

B. The SWM site report shall include, but not be limited to:

- (1) General data, including:
 - (a) Project name.
 - (b) Project location: address of the property site.
 - (c) Name, address, and telephone number of the applicant/owner of the property.
 - (d) Name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site report.
 - (e) Date of submission and revisions.
- (2) Project description narrative that clearly discusses the project and provides the following information, where applicable:
 - (a) Narrative.
 - [1] Statement of the regulated activity describing what is being proposed. Overall stormwater management concept with description of permanent stormwater management techniques, including construction specifications and materials to be used for stormwater management facilities.
 - [2] Expected project schedule.
 - [3] Location map showing the project site and its location relative to

release rate districts.

- [4] Detailed description of the existing site conditions including a site evaluation completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
 - [5] Total site area, pre and post, which must be equal or have an explanation as to why it is not.
 - [6] Total site impervious area.
 - [7] Total off-site areas.
 - [8] Number and description of stormwater management facilities.
 - [9] Type of development.
 - [10] Predevelopment land use.
 - [11] Whether site is a water-quality-sensitive (WQS) development.
 - [12] Whether site is in a defined sensitive area.
 - [13] Types of water quality and recharge systems used, if applicable.
 - [14] Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
 - [15] A written maintenance plan for all stormwater features, including detention facilities and other stormwater management elements.
 - [16] Identification of ownership and maintenance responsibility for all permanent stormwater management facilities.
 - [17] Other pertinent information, as required.
- (b) Summary tables.
- [1] Predevelopment hydrologic soil group (HSG) assumptions, curve numbers (CNs), computation of average slope, hydraulic length, computed time of concentration.
 - [2] Existing conditions runoff volume and peak rate of runoff.
 - [3] Post-development runoff volume and peak rate of runoff.
 - [4] Undetained areas, areas to ponds.
 - [5] Land use for each subarea.
 - [6] Hydrologic soil group (HSG) assumptions, curve numbers (CN).
 - [7] Time of concentration computed for each subarea.
 - [8] Post-development peak rate of runoff routed to ponds and out.

- [9] Pond maximum return period design data, including maximum water surface elevation, berm elevation, and emergency spillway elevation.

- [10] Water quality depth and volume requirements.

(c) Calculations.

- [1] Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.
- [2] Details of the berm embankment and outlet structure indicating the embankment top elevation, embankment side slopes, top width of embankment, emergency spillway elevation, perforated riser dimensions, pipe barrel dimensions and dimensions and spacing of antiseep collars.
- [3] Design computations for the control structures (pipe barrel and riser, etc.).
- [4] A plot or table of the stage-storage (volume versus elevation) and all supporting computations.
- [5] Routing computations.

(d) Drawings.

- [1] Drainage area maps for all watersheds and inlets depicting the time of concentration path for both existing conditions and post-developed condition.
 - [2] All stormwater management facilities must be located on a plan and described in detail, including easements and buffers boundaries.
- (3) Reports that do not clearly indicate the above information may be rejected for review by the municipality and will be returned to the applicant.
 - (4) Description of, justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration BMPs.
 - (5) 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 municipal stormwater collection system that may receive runoff from the project site.
 - (6) Description of the proposed changes to the land surface and vegetative cover, including the type and amount of impervious area to be added.
 - (7) Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.

- C. Supplemental information to be provided prior to recording of the SWM site plan, as applicable:
- (1) Signed and executed operations and maintenance agreement (Appendix A).¹⁴
 - (2) Signed and executed easements, as required for all on-site and off-site work.
 - (3) An erosion and sedimentation control plan and approval letter from the Butler County Conservation District.
 - (4) A NPDES permit.
 - (5) Permits from PADEP and ACOE.
 - (6) Geologic assessment.
 - (7) Soils investigation report, including boring logs, compaction requirements, and recommendations for construction of detention basins.
 - (8) A highway occupancy permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way.

§ 152-43. Submission requirements.

- A. The applicant shall submit the SWM site plan and report for the regulated activity.
- B. Five copies of the SWM site plan and report shall be submitted and be distributed as follows:
- (1) Two copies to the municipality, accompanied by the requisite executed review fee reimbursement agreement, as specified in this chapter.
 - (2) One copy to the Municipal Engineer.
- C. Additional copies shall be submitted as requested by the municipality or PADEP.

§ 152-44. Review of plan and report.

- A. The municipality shall require receipt of a complete SWM site plan and report as specified in this chapter. The municipality shall review the SWM site plan and report for consistency with the purposes, requirements, and intent of this chapter.
- B. The municipality shall not approve any SWM site plan and report 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 and report is found to be deficient, the municipality may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the municipality may accept submission of modifications.
- C. The municipality shall notify the applicant in writing within 45 calendar days whether the SWM site plan and report is approved or disapproved if the SWM site

14. Editor's Note: Appendix A, Operation and Maintenance Agreement, is on file in the office of the Borough Secretary.

plan and report is not part of a subdivision or land development plan. If the SWM site plan and report involves a subdivision or land development plan, the timing shall follow the subdivision and land development process according to the Municipalities Planning Code.¹⁵

- D. The Municipal Building Permit Office shall not issue a building permit for any regulated activity if the SWM site plan and report has been found to be inconsistent with this chapter, as determined by the municipality. All required permits from PADEP must be obtained prior to issuance of a building permit.

§ 152-45. Modification of plans.

A modification to a submitted SWM site plan and report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or redesign of stormwater management facilities, 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 chapter.

§ 152-46. Resubmission of disapproved plan and report.

A disapproved SWM site plan and report may be resubmitted with the revisions addressing the municipality's concerns documented in writing, to the municipality in accordance with this chapter. The applicable municipal review fee must accompany a resubmission of a disapproved SWM site plan and report.

§ 152-47. Authorization to construct and term of validity.

The municipality's approval of a SWM site plan and report 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 municipality may specify a term of validity shorter than five years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the municipality signs the approval for a 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 time, then the municipality may consider the SWM site plan disapproved and may revoke any and all permits or approvals.

§ 152-48. Record drawings; completion certificate; final inspection.

- A. The applicant shall be responsible for providing record drawings of all stormwater BMPs included in the approved SWM site plan. The record drawing and an explanation of any discrepancies with the approved SWM site plan shall be submitted to the municipality as a prerequisite for the release of the guarantee or issuance of an occupancy permit.
- B. The record drawing shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM site plan and report.

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

- (1) Drawings shall show all approved revisions and elevations and inverts to all manholes, inlets, pipes, and stormwater control facilities.
 - (2) Submission shall include a comparison of the constructed stage-storage (volume versus elevation) of all aboveground and below-ground stormwater storage facilities to the approved design.
- C. After receipt of the record drawing and certification of completion by the municipality, the municipality may conduct a final inspection.

ARTICLE IX
Easements

§ 152-49. Easements.

- A. Easements shall be established to accommodate the existence of drainageways.
- B. Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided an easement paralleling the line of such watercourse, drainageway, channel or stream with a width adequate to preserve the unimpeded flow of natural drainage in the one-hundred-year floodplain.
- C. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to detention facilities (above- or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
- D. Easements are required for all areas used for off-site stormwater control.
- E. All easements shall be a minimum of 20 feet wide and shall encompass the one-hundred-year surface elevation of the proposed stormwater facility.
- F. Easements shall provide ingress to, and egress from, a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the municipality or its designees access to all easements via the nearest public right-of-way able for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities.
- G. Where possible, easements shall be centered on side and/or rear lot lines.
- H. Nothing shall be planted or placed within the easement which would adversely affect the function of the easement or conflict with any conditions associated with such easement.
- I. 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 Municipal Engineer and Solicitor.

ARTICLE X
Maintenance Responsibilities

§ 152-50. Financial guarantee.

- A. The applicant shall provide a financial guarantee to the municipality for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.¹⁶
- B. At the completion of the project and as a prerequisite for the release of the financial guarantee, the applicant shall:
 - (1) Provide a certification of completion from an engineer, architect, surveyor or other qualified person, verifying that all permanent facilities have been constructed according to the SWM site plan and report and approved revisions thereto.
 - (2) Provide a set of record drawings.
 - (3) Request a final inspection from the municipality to certify compliance with this chapter, after receipt of the certification of completion and record drawings by the municipality.

§ 152-51. Maintenance responsibilities.

- A. The SWM site plan and report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
- B. The SWM site plan and report for the project site shall establish responsibilities for the continuing operating and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - (1) If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the municipality, stormwater control facilities/BMPs may also be dedicated to and maintained by the municipality.
 - (2) If a development site is to be maintained in a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.
 - (3) Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
 - (4) The SWM site plan and report shall be recorded as a restrictive deed covenant

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

that runs with the land.

- (5) The municipality may take enforcement actions against an applicant for failure to satisfy any provision of this chapter.
- C. The municipality, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan and report. The municipality 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 municipality will accept the facilities. The municipality reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- D. If the municipality accepts ownership of stormwater BMPs, the municipality may, at its discretion, require a fee from the applicant to the municipality to offset the future cost of inspections, operations, and maintenance.
- E. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM site plan or to allow the property to remain in a condition which does not conform to an approved SWM site plan, unless the municipality grants an exception in writing.

§ 152-52. Maintenance agreement for privately owned stormwater facilities.

- A. Prior to final approval of the SWM site plan and report, the applicant shall sign the operation and maintenance (O&M) agreement (Appendix A)¹⁷ covering all stormwater control facilities that are to be privately owned. The operation and maintenance (O&M) agreement shall be recorded with the SWM site plan and made a part hereto.
- B. Other items may be included in the operation and maintenance (O&M) agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The operation and maintenance (O&M) agreement shall be subject to the review and approval of the municipality and the Municipal Solicitor.
- C. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the operation and maintenance (O&M) 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.

17. Editor's Note: Appendix A, Operation and Maintenance Agreement, is on file in the office of the Borough Secretary.

ARTICLE XI
Inspections

§ 152-53. Schedule of inspections.

- A. PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the municipality or its municipal assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
- B. During any stage of earth disturbance activities, if the municipality determines that the stormwater management facilities are not being installed in accordance with the approved SWM site plan, the municipality shall revoke any existing permits or approvals until a revised SWM site plan is submitted and approved as specified in this chapter.
- C. Stormwater BMPs shall be inspected by the landowner, or the landowner's designee, according to the inspection schedule described on the SWM site plan for each BMP.
 - (1) The municipality may require copies of the inspection reports, in a form as stipulated by the municipality.
 - (2) If such inspections are not conducted or inspection reports not submitted as scheduled, the municipality, or its designee, may conduct such inspections and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
 - (a) Prior to conducting such inspections, the municipality shall inform the owner of its intent to conduct such inspections. The owner shall be given 30 days to conduct required inspections and submit the required inspection reports to the municipality.

§ 152-54. Right of entry.

- A. Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times, upon any property within the municipality, to inspect the implementation, condition, or operations and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.
- B. Stormwater BMP owners and operators shall allow persons working on behalf of the municipality ready access to all parts of the premises for the purposes of determining compliance with this chapter.
- C. Persons working on behalf of the municipality shall have the right to temporarily locate on any stormwater BMP in the municipality such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater BMP.
- D. Unreasonable delay in allowing the municipality access to a stormwater BMP is a violation of this chapter.

ARTICLE XII
Enforcement and Penalties

§ 152-55. Notification.

- A. In the event that a person fails to comply with the requirements of this chapter, an approved SWM site plan, or fails to conform to the requirements of any permit or approval issued hereunder, the municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
- B. Failure to comply within the time specified shall subject such person to the penalties provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies. 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.

§ 152-56. Enforcement.

- A. The municipal governing body is hereby authorized and directed to enforce all of the provisions of this chapter. The approved SWM site plan shall be on file at the project site throughout the duration of the construction activity. The municipality or its designee may make periodic inspections during construction.
- B. Adherence to approved SWM site plan.
 - (1) It shall be unlawful for any person, firm, or corporation to undertake any regulated activity on any property except as provided for by an approved SWM site plan and pursuant to the requirements of this chapter.
 - (2) It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this chapter.
 - (3) It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM site plan.

§ 152-57. Public nuisance.

- A. A violation of any provision of this chapter is hereby deemed a public nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

§ 152-58. Suspension and revocation of permits and approvals.

- A. Any approval or permit issued by the municipality may be suspended or revoked for:
 - (1) Noncompliance with or failure to implement any provision of the approved SWM site plan or operation and maintenance (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 or nuisance or pollution or which endangers the life or property of others.
- B. A suspended approval or permit may be reinstated by the municipality when:
 - (1) The municipality or its designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 - (2) The municipality is satisfied that the violation(s) has been corrected.
- C. 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 chapter.

§ 152-59. Violations and penalties.

- A. 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 \$300 for each violation, recoverable with costs of prosecution plus attorney's fees and costs. Each day that the violation continues shall be a separate offense, and penalties shall be cumulative.
- B. In addition, the municipality, through its Solicitor, 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.

§ 152-60. Appeals.

- A. Any person aggrieved by any action of the municipality or its designee, relevant to the provisions of this chapter, may appeal to the municipality within 30 days of that action.
- B. Any person aggrieved by any decision of the municipality, relevant to the provisions of this chapter, may appeal to the Butler County Court of Common Pleas within 30 days of the municipality's decision.

ARTICLE XIII
Prohibitions

§ 152-61. Prohibited discharges and connections.

- A. Any drain (including indoor drains and sinks) or conveyance, whether on the surface or underground, that allows any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the municipality's separate storm sewer system or waters of the commonwealth is prohibited.
- B. Any drain or conveyance connected from a commercial or industrial land use to the municipality's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by the municipality is prohibited.
- C. No person shall allow, or cause to allow, discharges into the municipality's separate storm sewer system or into surface waters of the commonwealth which are not composed entirely of stormwater, except:
 - (1) As provided in Subsection D below; and
 - (2) Discharges allowed under a state or federal permit.
- D. The following discharges are authorized unless they are determined to be significant contributors to pollution of the waters of the commonwealth:
 - (1) Discharges from firefighting activities.
 - (2) Potable water sources, including dechlorinated water line and fire hydrant flushings.
 - (3) Irrigation drainage.
 - (4) Air-conditioning condensate.
 - (5) Springs.
 - (6) Water from crawl space pumps.
 - (7) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - (8) Flows from riparian habitats and wetlands.
 - (9) Uncontaminated water from foundations or from footing drains.
 - (10) Lawn watering.
 - (11) Dechlorinated swimming pool discharges.
 - (12) Uncontaminated groundwater.
 - (13) Water from individual residential car washing.
 - (14) Routine external building washdown (which does not use detergents or other

compounds).

- E. In the event that the municipality or PADEP determines that any of the discharges identified in Subsection D significantly contribute to pollution of waters of the commonwealth, or is so notified by PADEP, the municipality will notify the responsible person(s) to cease the discharge.
- F. Upon notice provided by the municipality or PADEP under Subsection E, the discharger will have a reasonable time, as determined by the municipality or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.
- G. Nothing in this section shall affect a discharger's responsibilities under commonwealth law.

§ 152-62. Roof drains.

Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

§ 152-63. Alteration of BMPs.

- A. No person shall modify, remove, fill, landscape, or alter any existing stormwater BMP, facilities, areas, or structures unless it is part of an approved maintenance program, without the written approval of the municipality.
- B. No person shall place any structure, fill, landscaping, or vegetation into a stormwater BMP, facilities, areas, structures, or within a drainage easement which would limit or alter the functioning of the BMP without the written approval of the municipality.

ARTICLE XIV
Fees and Expenses; Administration

§ 152-64. General.

The fee required by this chapter is the municipal review fee. The municipal review fee shall be established by the municipality to defray review costs incurred by the municipality and the Municipal Engineer. The applicant shall pay all fees.

§ 152-65. Expenses covered by fees.

The fees required by this chapter shall, at a minimum, cover:

- A. Administrative and clerical costs.
- B. Review of the SWM site plan and report by the municipality.
- C. Preconstruction meetings.
- D. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
- E. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM site plan.
- F. Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.

§ 152-66. Recording of approved SWM site plan and related agreements.

- A. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM site plan, shall record the following documents in the Office of the Recorder of Deeds of Butler County, within 30 days of approval of the SWM site plan by the municipality:
 - (1) The SWM site plan.
 - (2) Operations and maintenance (O&M) agreement (Appendix A).¹⁸
 - (3) Easements under § 152-49.
 - (4) Riparian buffers in § 152-28.
- B. The municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

18. Editor's Note: Appendix A is on file in the office of the Borough Secretary.

