

**PENNYPACK CREEK WATERSHED STORMWATER MANAGEMENT ORDINANCE**  
**Implementing the Requirements of the Pennypack Creek Watershed Stormwater Management Plan**

**ORDINANCE NO. \_\_\_\_\_ OF \_\_\_\_\_**

**[Municipality], [County] COUNTY,**  
**PENNSYLVANIA**

**Adopted at a Public Meeting held on**  
**\_\_\_\_\_, 20\_\_**

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## ARTICLE I - GENERAL PROVISIONS

### Section 101. Short Title

This Ordinance shall be known and cited as the “Pennypack Creek Stormwater Management Ordinance”..

### Section 102. Statement of Findings

The governing body of the Municipality 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, overtaxes 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, and threatens public health and safety.
- B. Inadequate planning and management of stormwater runoff resulting from land development throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds 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.
- C. A comprehensive program of stormwater management, including minimization of impacts of development, redevelopment, and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all of the people of the Commonwealth, their resources, and the environment.
- D. Stormwater can be an important water resource by providing groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.
- E. Impacts from stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime and sustain high water quality, groundwater recharge, stream baseflow, and aquatic ecosystems. The most cost-effective and environmentally advantageous way to manage stormwater runoff is through nonstructural project design that minimizes impervious surfaces and sprawl, avoids sensitive areas (i.e., stream buffers, floodplains, steep slopes), and considers topography and soils to maintain the natural hydrologic regime.
- F. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- G. 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).
- H. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality.

### **Section 103. Purpose**

The purpose of this Ordinance is to promote the public health, safety, and welfare within the Pennypack Creek Watershed by maintaining the natural hydrologic regime and by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Promote alternative project designs and layouts that minimize the impacts on surface and groundwater.
- B. Promote nonstructural best management practices (BMPs).
- C. Minimize increases in runoff stormwater volume.
- D. Minimize impervious surfaces.
- E. Manage accelerated stormwater runoff and erosion and sedimentation problems and stormwater runoff impacts at their source by regulating activities that cause these problems.
- F. Provide review procedures and performance standards for stormwater planning and management.
- G. Utilize and preserve existing natural drainage systems as much as possible.
- H. Manage stormwater impacts close to the runoff source, requiring a minimum of structures and relying on natural processes.
- I. Focus on infiltration of stormwater to maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- J. Maintain existing baseflows and quality of streams and watercourses.
- K. Meet legal water quality requirements under state law, including regulations at 25 Pennsylvania Code Chapter 93.4.a requiring protection and maintenance of “existing uses” and maintenance of the level of water quality to support those uses in all streams, and the protection and maintenance of water quality in “special protection” streams.
- L. Address the quality and quantity of stormwater discharges from the development site.
- M. Provide standards necessary to meet NPDES permit requirements.
- N. Implement an illegal discharge detection and elimination program that addresses non-stormwater discharges into the Municipality’s separate storm sewer system.
- O. Preserve the flood-carrying capacity of streams.
- P. Prevent scour and erosion of stream banks and streambeds.
- Q. Provide performance standards and design criteria for watershed-wide stormwater management and planning.
- R. Provide proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented in the Municipality.

## **Section 104. Statutory Authority**

The Municipality is empowered to regulate land use and activities that may affect runoff and surface and groundwater quality and quantity by the authority of:

A. Primary Authority.

The Municipality is empowered to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the “Storm Water Management Act” and the (appropriate municipal code). In addition, the City of Philadelphia’s stormwater regulations, revised and implemented in January 2006, prescribe stormwater management requirements for development and post-development stormwater management control. These regulations are available online at: <http://www.phillyriverinfo.org/programs/subprogrammain.aspx?Id=Regulations>

B. Secondary Authority.

The municipality 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.

## **Section 105. Applicability/Regulated Activities**

A. All Regulated Activities and all activities that may affect stormwater runoff, including Land Development and Earth Disturbance Activities, are subject to regulation by this Ordinance. In addition, all applicable development in Philadelphia County must comply with The City of Philadelphia’s stormwater regulations, which are available online at <http://www.phillyriverinfo.org/programs/subprogrammain.aspx?Id=Regulations>. This Ordinance shall apply to those portions of the Municipality that lie within the Pennypack Creek Watershed, in accordance with the Stormwater Management Districts established in Section 408, and shall only apply to permanent structural and nonstructural stormwater management BMPs constructed as part of any of the regulated activities listed in this section.

This Ordinance contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable municipal ordinances and applicable state regulations.

The following activities are defined as “regulated activities” and shall be regulated by this Ordinance unless exempted by Section 106:

- a) Land development,
- b) Subdivisions,
- c) Alteration of the natural hydrologic regime,
- d) Construction or reconstruction (see definition in Section 202.B) of or addition of new impervious or semi-pervious surfaces (i.e., driveways, parking lots, roads, etc.),
- e) Construction of new buildings or additions to existing buildings,
- f) Redevelopment,
- g) Diversion piping or encroachments in any natural or man-made channel,
- h) Nonstructural and structural stormwater management BMPs or appurtenances thereto,
- i) Earth disturbance activities of equal to or greater than five thousand (5,000) square feet, <sup>1</sup>
- j) Any of the above regulated activities which were approved more than five (5) years prior to the effective date of this Ordinance and resubmitted for municipal approval.

k) (The following note applies to those portions of the Pennypack Creek Watershed that lie within Bucks and Montgomery Counties.) This Ordinance applies to any earth disturbance activity equal to or greater than five thousand (5,000) square feet that is associated with a development or redevelopment project. However, earth disturbance activities of between 5,000 square feet and one (1) acre that are associated with either development or redevelopment projects have modified drainage plan requirements per Table 105.1, and that are associated with redevelopment are exempt from the Section 407 stream bank erosion requirements. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

Table 105.1 summarizes the applicability requirements of the ordinance.” “Proposed Impervious Surface” in Table 105.1 includes new, additional, or replacement impervious surface/cover. Repaving existing surfaces without reconstruction (see Section 202.B) does not constitute “replacement.”

**Table 105.1 - Ordinance Applicability for the Bucks and Montgomery County Portions of the Watershed**

| Ordinance Article or Section  | Type of Project   | Proposed Impervious Surface  |                                    |                                    |                                    |                                    | Earth Disturbance      |          |
|---|-------------------|--|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------|----------|
|   |                   | 0-500 sq. ft.  | 501-1,499 sq. ft.                  | 1,500- 5,000 sq. ft.               | 5,000 sq. ft. – 1 acre             | > 1 acre                           | 5,000 sq. ft. – 1 acre | > 1 acre |
| <b>Article III</b><br>Drainage Plan Requirements                            | Development       | N/A  | Modified                           | Partial                            | Yes                                | Yes                                | Modified               | Yes      |
|   | Redevelopment     | N/A  | Modified                           | Partial                            | Yes                                | Yes                                | Modified               | Yes      |
| <b>Section 404</b><br>Nonstructural Project Design                          | Development       | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
|   | Redevelopment     | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
| <b>Section 405</b><br>Groundwater Recharge                                  | Development       | N/A  | Yes                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
|   | Redevelopment     | N/A  | Yes                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
| <b>Section 406</b><br>Water Volume Control Requirements                     | Development       | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
|   | Redevelopment     | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
| <b>Section 407</b><br>Stream Bank Erosion Requirements                      | Development       | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
|   | Redevelopment     | N/A  | N/A                                | Exempt                             | Exempt                             | Yes                                | Exempt                 | Yes      |
| <b>Section 408</b><br>Stormwater Peak Rate Control and Management Districts | Development       | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
|   | Redevelopment     | N/A  | N/A                                | Yes                                | Yes                                | Yes                                | Yes                    | Yes      |
| Erosion and Sediment Pollution Control Plan                                 | Earth Disturbance | See Earth Disturbance Requirements                                 | See Earth Disturbance Requirements | See Earth Disturbance Requirements | See Earth Disturbance Requirements | See Earth Disturbance Requirements | Yes                    | Yes      |
|   |                   | (Refer to municipal earth disturbance requirements, as applicable) |                                    |                                    |                                    |                                    |                        |          |

Legend:

Yes – Drainage plan required with associated section provision.

N/A – Not applicable – exempt from drainage plan submission.

Exempt – Exempt from required section provision – Drainage plan submission may still be required if other section provisions are applicable (yes in box).

Modified – Modified drainage plan required

- Sites with less than one thousand five hundred (1,500) square feet of new impervious surface, but between five thousand (5,000) square feet and one (1) acre of earth disturbance must submit a drainage plan to the Municipality which need only consist of the items in Sections 302.A.2 and 4; 302.B.7, 8, 11, and 22; and 302.D.1 and 3 and related supportive material needed to determine compliance with Sections 404 and 408.

Partial – Standard Grading Permit is required.

- Sites with more than one thousand five hundred (1,500) square feet, but less than five thousand (5,000) square feet of new impervious surface must submit a drainage plan; however, it need not consist of the items in Sections 407 and 408.

**Table 105.1  
Ordinance Applicability for the Philadelphia County Portion of the Watershed**

| Ordinance Article or Section   | Type of Project | Earth Disturbance Associated with Development |                      |                          |
|--|-----------------|---|----------------------|--------------------------|
|  |                 | 0-5,000 sq. ft.                               | 5,000 sq. ft.-1 acre | > 1 acre                 |
| <u>Article III</u><br>SWM Plan Requirements  | New Development | N/A**   | Yes                  | Yes                      |
|  | Redevelopment   | N/A**   | Yes                  | Yes                      |
| <u>Section 405</u><br>Groundwater Recharge Requirements  | New Development | N/A**   | Yes                  | Yes                      |
|  | Redevelopment   | N/A**   | Yes                  | Yes                      |
| <u>Section 406</u><br>Water Volume Control Requirements  | New Development | N/A**   | Yes                  | Yes                      |
|  | Redevelopment   | N/A**   | Yes                  | Yes                      |
| <u>Section 407</u><br>Streambank Erosion (Channel Protection) Requirements                               | New Development | N/A**   | Yes                  | Yes                      |
|  | Redevelopment   | N/A**   | Exempt               | Yes (Alternate Criteria) |
| <u>Section 408</u><br>Flood Control / Stormwater Peak Rate Control and Management Districts Requirements | New Development | N/A**   | Yes                  | Yes                      |
|  | Redevelopment   | N/A**   | Yes                  | Yes (Alternate Criteria) |

Yes (Alternate Criteria) – Redevelopment disturbing one acre or more that reduces the DCIA from predevelopment conditions by at least 20% is exempt from the Channel Protection/Streambank Erosion (Section 407) and Flood Control/Peak Rate Control (Section 408) Requirements of this Ordinance; and redevelopment that results in an area of earth disturbance equal to or greater than 5,000 square feet, but less than one (1) acre, is exempt from the Channel Protection/Streambank Erosion Requirements of this Ordinance (See Section 106, Exemptions, Philadelphia County Portion of the Watershed).

N/A – Not Applicable, development project is not subject to requirements of indicated Regulations section. Voluntary controls are encouraged.

Exempt – Development project is not subject to requirements of indicated Regulations section.

\*\* – If the proposed development results in stormwater discharge that exceeds stormwater system capacity, increases the FEMA regulated water surface elevation, causes a combined sewer overflow, or degrades receiving waters, the design specifications presented in these Regulations may be applied to proposed development activities as warranted to protect public health, safety, or property.

B. In addition, all applicable development in Philadelphia County must comply with the latest version of “Stormwater Management Guidance Manual” (currently Version 2.0), prepared by the Philadelphia Water Department Office of Watersheds. This manual is available online at: <http://www.phillyriverinfo.org/PWDDDevelopmentReview/RequirementsLibrary.aspx?> The site contains several checklists which have been developed to assist the user in complying with these regulations.

## **Section 106. Exemptions**

### **A. Exemptions for Land Use Activities**

*Note: In addition to the exemptions stated in Section 105. Applicability/Regulated Activities (Tables 105.1) Philadelphia County, Bucks County, and Montgomery County will follow different Exemption Criteria, as stated below .*

#### **Bucks County and Montgomery County Portions of the Watershed:**

1. Disconnected Regulated Activities (Regulated Activities that create Disconnected Impervious Areas) smaller in area than 500 square feet are exempt from the drainage plan (Section 302) preparation requirements of this Ordinance.
2. Disconnected Regulated Activities (Regulated Activities that create Disconnected Impervious Areas) less than 1,000 sq. ft. are exempt only from the peak rate control (Section 408) requirements of this Ordinance.
3. Agricultural plowing and tilling are exempt from the rate control and drainage plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
4. Forest management and timber operations are exempt from the rate control and Drainage plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.

#### **Philadelphia County Portion of the Watershed:**

1. Development, including new development and redevelopment, that results in an area of Earth Disturbance less than five thousand (5,000) square feet is exempt from certain requirements as outlined in Table 105.1. However, applicants must still meet Erosion and Sediment (E&S) Control requirements (Section 403) and coastal water quality requirements from other programs if applicable as described in Table 105.1.
2. Redevelopment that results in an area of Earth Disturbance equal to or greater than five thousand (5,000) sq. ft., but less than one (1) acre, is exempt from the Channel Protection/Streambank Erosion (Section 407) Requirements of this Ordinance.
3. Redevelopment that results in an area of Earth Disturbance equal to or greater than one (1) acre and reduces the predevelopment DCIA (Directly Connected Impervious Areas) on the site by at least 20% is exempt from the Channel Protection/Streambank Erosion (Section 407) and Flood Control/Peak Rate Control (Section 408) Requirements of this Ordinance.
4. In District C, development sites that can discharge directly to the Pennypack Creek Main Channel (east of I-95) and to the Delaware River main channel major tributary without use of City infrastructure may do so without control of proposed conditions peak rate of runoff. When adequate capacity in the downstream system does not exist and will not be provided through improvements, the proposed conditions peak rate of runoff must be controlled to the Predevelopment Conditions peak rate as required in District A provisions for the specified Design Storms. The Predevelopment Condition for new development is the existing

condition. For redevelopment purposes, the Predevelopment Condition is determined according to the procedures found in the Philadelphia Stormwater Guidance Manual.

B. Infiltration Exemptions (Note: Section 106.B applies to Bucks, Montgomery, and Philadelphia Counties.)

1. Depth to Limiting Zone

A minimum of 2 feet of soil suitable for infiltration must exist between the invert of the infiltrating SMP and the top of the nearest limiting zone. Otherwise, the  $Re_v$  requirement shall not be applied to the development site, and the entire  $WQ_v$  must be treated.

2. Hotspots

Stormwater Hotspots – Below is a list of types of hotspots recognized by the municipality. If a site is a potential hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots concentrated into a collection system, shall not be recharged into groundwater where it may contaminate water supplies. Therefore, the  $Re_v$  requirement shall NOT be applied to development sites that fit in a hotspot (the entire  $WQ_v$  must still be treated). Second, a greater level of stormwater treatment shall be applied at hotspot sites to prevent pollutant washoff after construction. The Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

List of potential hotspots:

- Vehicle salvage yards and recycling facilities
- Vehicle fueling stations
- Vehicle service and maintenance facilities
- Vehicle and equipment cleaning facilities
- Fleet storage areas (bus, truck, etc.)
- Industrial sites based on Standard Industrial Codes
- Marinas (service and maintenance)
- Outdoor liquid container storage
- Commercial/industrial facilities
- Public works storage areas
- Facilities that generate, transfer, store, or dispose hazardous materials
- Commercial container nursery

The following land uses and activities are not normally considered hotspots:

- Residential streets and rural highways
- Residential development
- Institutional development
- Office developments
- Nonindustrial rooftops
- Pervious areas, except golf courses and nurseries (which may need an integrated pest management (IPM) plan).

3. Rate of Infiltration:

When infiltration is not feasible due to poor infiltration rates, the water quality volume must be treated by an approved SMP.

C. Additional Exemption Criteria:

1. Exemption Responsibilities - An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect public health, safety, and property.
2. Drainage Problems - Where drainage problems exist downstream of the proposed activity, then the Municipality may deny exemptions.
3. Exemptions are limited to specific portions of this Ordinance.
4. HQ and EV Streams – The municipalities may deny exemptions in high quality (HQ) or exceptional value (EV) waters and Source Water Protection Areas (SWPA).

**Section 107. Repealer**

Any other Ordinances, provisions or regulations of the Municipality inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistencies only.

**Section 108. Severability**

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

**Section 109. Compatibility with Other Ordinances or Legal Requirements**

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or Ordinance, including Title 25PA Code, Chapter 92, 102 & 105.

## ARTICLE II - DEFINITIONS

### Section 201. Interpretation

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

### Section 202. Definitions

**Accelerated Erosion** – The removal of the surface of the land through the combined action of man’s activity and the natural processes at a rate greater than that which would occur because of natural process alone.

**Agricultural Activities** – The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery, and sod operations 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; also 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 to the Municipality for approval to engage in any Regulated Activity at a project site in the Municipality.

**As-built Drawings** – Engineering or site drawings maintained by the contractor as he constructs the project and upon which he documents the actual locations of the building components and changes to the original contract documents. These documents, or a copy of same, are turned over to the Municipality at the completion of the project.

**Bankfull** – The channel at the top-of-bank or point from where water begins to overflow onto a floodplain.

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

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

**BMP (Best Management Practice)** – Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “non-structural.” In this

Ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, or to provide other environmental or aesthetic benefits such as low impact designs, riparian or forested buffers; whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, bioretention, wet ponds, permeable paving, grassed swales, sand filters, detention basins, and manufactured devices. Structural Stormwater BMPs are permanent appurtenances to the project site.

**BMP Manual** - *Pennsylvania Stormwater Best Management Practices Manual*, No. 363-0300-002 (December 2006).

**Buffer** – The area of land immediately adjacent to any stream, measured perpendicular to and horizontally from the top-of-bank on both sides of a stream (see Top-of-bank).

**Channel** – An open drainage feature through which stormwater flows. Channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes flowing partly full.

**Channel Erosion** – The widening, deepening, or headward cutting of channels and waterways caused by stormwater runoff or bankfull flows.

**Cistern** – An underground reservoir or tank for storing rainwater.

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

**Conveyance** – A facility or structure used for the transportation or transmission of something from one place to another.

**Culvert** – A structure with its appurtenant works which carries water under or through an embankment or fill.

**Dam** – A man-made barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid. A dam may include a refuse bank, fill, or structure for highway, railroad, or other purposes that impounds or may impound water or another fluid or semifluid.

**DEP** - The Pennsylvania Department of Environmental Protection.

**Design Storm** – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence that such magnitude will be equaled or exceeded in any one year (e.g., the 20% chance, or so-called 5-year (recurrence interval) storm), and duration (e.g., twenty-four (24) hours), used in the design and evaluation of stormwater management systems. Also see Return Period.

**Detention** - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

**Detention Basin** – An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely soon after a rainfall event, and to become dry until the next rainfall event.

**Developer** – A person who seeks to undertake any regulated earth disturbance activities at a project site in the Municipality.

**Development** – Any human-induced change to improved or unimproved real estate, whether public or private, including, but not limited to, land development, construction, installation, or expansion of a building or other structure, land division, street construction, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing. As used in this Ordinance, development encompasses both new development and redevelopment.

**Development Site (Site)** – See Project Site.

**Diameter at Breast Height (DBH)** – The outside bark diameter at breast height which is defined as four and one half (4.5) feet (1.37m) above the forest floor on the uphill side of the tree.

**Diffused Drainage Discharge** – Drainage discharge that is not confined to a single point location or channel, including sheet flow or shallow concentrated flow.

**Directly Connected Impervious Area (DCIA)** – An impervious or impermeable surface that is directly connected to a stormwater drainage or conveyance system, leading to direct runoff, decreased infiltration, decreased filtration, and decreased time of concentration.

**Disconnected Impervious Area (DIA)** – An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system, and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration.

**Disturbance** – See Earth Disturbance.

**Disturbed Areas** – An unstabilized land area where an earth disturbance activity is occurring or has occurred.

**Ditch** – A man-made waterway constructed for irrigation or stormwater conveyance purposes.

**Downslope Property Line** – That portion of the property line of the lot, tract, or parcels of land being developed, located such that overland or pipe flow from the project site would be directed towards it by gravity.

**Drainage Conveyance Facility** – A stormwater management facility designed to transport stormwater runoff that includes channels, swales, pipes, conduits, culverts, and storm sewers.

**Drainage Easement** – A right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

**Drainage Plan** – See Stormwater Management Site Plan.

**Earth Disturbance Activity** – A construction or other human activity which disturbs the surface of land including, but not limited to, clearing and grubbing, grading, filling, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral or fluid extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

**Emergency Spillway** – A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

**Encroachment** – A structure or activity that changes, expands, or diminishes the course, current, or cross-section of a watercourse, floodway, or body of water.

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

**Erosion and Sediment Control Plan** – A plan that is designed to minimize accelerated erosion and sedimentation.

**Exceptional Value Waters** – Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, §93.4b(b) (relating to anti-degradation).

**Existing Conditions** – The dominant land cover during the 5-year period immediately preceding a proposed Regulated Activity. If the initial condition of the site is undeveloped land, the land use shall be considered as “meadow” unless the natural land cover is proven to generate a lower curve number or Rational “c” value, such as forested lands.

**FEMA** – Federal Emergency Management Agency.

**Flood** – A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

**Floodplain** – Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be expected to be inundated by a 100-year flood, i.e., the flood of magnitude that has a one (1) percent chance of being equaled or exceeded in any given year. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

**Floodway** – The channel of a watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on Flood Insurance Rate Maps (FIRMs) and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty (50) feet from the top-of-bank.

**Fluvial Geomorphology** – The study of landforms associated with river channels and the processes that form them.

**Forest Management/Timber Operations** – Planning and associated activities necessary for the management of forest lands. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, and reforestation.

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

**Grade** – 1. (noun) A slope, usually of a road, channel, or natural ground specified in percent and shown on plans as specified herein. 2. (verb) To finish the surface of a roadbed, the top of an embankment, or the bottom of an excavation.

**Grassed Waterway** – A natural or man-made waterway, usually broad and shallow, covered with erosion-resistant grasses used to convey surface water.

**Groundwater** – Water beneath the earth’s surface that supplies wells and springs and is within the saturated zone of soil and rock.

**Groundwater Recharge** – The replenishment of existing natural underground water supplies from precipitation or overland flow.

**HEC-HMS** – The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS). This model was used to model the Pennypack Creek Watershed during the Act 167 plan development and is the basis for the standards and criteria of this Ordinance.

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

**Hotspots** – Areas where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrograph** – A graph representing the discharge of water versus time at a selected point in the drainage system.

**Hydrologic Regime** – The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage, and groundwater supplies under natural conditions.

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

**Impervious Surface (Impervious Area)** – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

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

**Infill** – Development that occurs on smaller parcels that remains undeveloped but is within or in very close proximity to urban or densely developed areas. Infill development usually relies on existing infrastructure and does not require an extension of water, sewer, or other public utilities.

**Infiltration** – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolated downward to recharge groundwater.

**Infiltration basin** - A shallow impoundment that is designed to infiltrate stormwater into the soil. Infiltration basins are believed to have a high pollutant removal efficiency, and can also help recharge the groundwater, thus restoring baseflows to stream systems. Infiltration basins can be problematic at many sites because of stringent soil requirements.

**Infiltration Structures** – A structure designed to direct runoff into the underground water (e.g., French drains, seepage pits, seepage trenches, or infiltration galleries).

**Inflow** – The flow entering the stormwater management facility and/or BMP.

**Inlet** – The upstream end of any structure through which water may flow.

**Intermittent Stream** – A stream that flows only part of the time. Flow generally occurs for several weeks or months in response to seasonal precipitation or groundwater discharge.

**Invert** – The lowest surface, the floor or bottom of a culvert, drain, sewer, channel, basin, BMP, or orifice.

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

**Land Development (Development)** – Any of the following activities:

- (i) The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features;
- (ii) A subdivision of land;
- (iii) Development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

**Limiting Zone** – A soil horizon or condition in the soil profile or underlying a stratum that includes one of the following:

- (i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- (ii) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with sufficient fine soil to fill the voids between the fragments.
- (iii) A rock formation, other stratum, or soil condition that is so slowly permeable that it effectively limits downward passage of water.

**Lot** – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

**Main Stem (Main Channel)** – Any stream segment or other runoff conveyance used as a reach in the Pennypack Creek Watershed hydrologic model.

**Manning Equation (Manning Formula)** – A method for calculation of velocity of flow (e.g., feet per second) and flow or discharge 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.

**Maximum Design Storm** – The maximum (largest) design storm that is controlled by the stormwater facility.

**Municipal Engineer** – A professional engineer (PE) licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for a Municipality, planning agency, or joint planning commission.

**Municipality** – [*Municipal Name*], [*County Name*] County, Pennsylvania.

**Natural Condition** – Pre-development condition.

**Natural Hydrologic Regime** – See Hydrologic Regime.

**Natural Recharge Area** – Undisturbed surface area or depression where stormwater collects and a portion of which infiltrates and replenishes the underground and groundwater.

**Nonpoint Source Pollution** – Pollution that enters a waterbody from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**Nonstormwater Discharges** – Water flowing in stormwater collection facilities, such as pipes or swales, which are not the result of a rainfall event or snowmelt.

**Nonstructural Best Management Practice (BMPs)** – Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site, and other techniques.

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

**NRCS** – Natural Resource Conservation Service of the U.S. Department of Agriculture (previously the Soil Conservation Service (SCS)).

**Open Channel** – A conveyance channel that is not enclosed.

**Outfall** – “Point source” as described in 40 CFR § 122.2 at the point where the Municipality’s storm sewer system discharges to surface waters of the Commonwealth.

**Outflow** – The flow exiting the stormwater management facility and/or BMP.

**Outlet** – Points of water disposal to a stream, river, lake, tidewater, or artificial drain.

**Parent Tract** – The parcel of land from which a land development or subdivision originates, determined from the date of municipal adoption of this Ordinance.

**Parking Lot Storage** – Involves the use of parking areas as temporary impoundments with controlled release rates during rainstorms.

**Peak Discharge** – The maximum rate of stormwater runoff from a specific storm event.

**Pipe** – A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

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

**Post-construction** – Period after construction during which disturbed areas are stabilized, stormwater controls are in place and functioning, and all proposed improvements in the approved land development plan are completed.

**Pre-construction** – Prior to commencing construction activities.

**Pre-development Condition** – Undeveloped/natural condition.

**Pretreatment** – Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system, but not necessarily designed to meet the water quality volume requirements ( $W_{qv}$ ) of Section 404. For example, any inlets draining to an infiltrating system should be sumped and trapped to prevent the system from becoming clogged with excess sediment.

**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 Ordinance.

**Rational Formula** – A rainfall-runoff relation used to estimate peak flow.

**Reach** – Any stream segment or other runoff conveyance used in the Pennypack Creek Watershed hydrologic model.

**Recharge** – The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

**Recharge Volume ( $Re_v$ )** – The volume of stormwater, in cubic feet, required to be infiltrated on site, where practicable and appropriate.

**Reconstruction** – Demolition and subsequent rebuilding of impervious surface.

**Record Drawings** – Original documents revised to suit the as-built conditions and subsequently provided by the Engineer to the client. The Engineer reviews the contractor's as-builts against his/her own records for completeness, then either turns these over to the client or transfers the information to a set of reproducible, in both cases for the client's permanent records.

**Recurrence Interval** – See Return Period.

**Redevelopment** – Any development that requires demolition or removal of existing structures or impervious surfaces at a site and replacement with new impervious surfaces. Maintenance activities such as top-layer grinding and re-paving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment.

**Regulated Activities** – Any Earth Disturbances Activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

**Regulated Earth Disturbance Activity** – Defined under NPDES Phase II regulations as earth disturbance activity of one (1) acre or more with a point source discharge to surface waters or the Municipality's storm sewer system or five (5) acres or more regardless with or without a point source discharge. This includes earth disturbance on any portion of, part, or during any stage of a larger common plan of development.

Activity involving earth disturbance subject to regulation under 25 PA Code 92, 25 PA Code 102, or the Clean Streams Law.

**Release Rate** – The percentage of existing conditions peak rate of runoff from a site or subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.

**Repaving** – Replacement of an impervious surface that does not involve reconstruction of an existing paved (impervious) surface (e.g., addition of a new layer of asphalt over an existing paved surface).

**Replacement Paving** – Reconstruction of and full replacement of an existing paved (impervious) surface (e.g., demolition and removal of surface layer, foundation, and base course; and subsequent reconstruction of the entire sequence).

**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 or greater magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average of once every twenty-five (25) years, or conversely would have a four (4) percent chance of occurrence or exceedance in any given year.

**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 cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities.

**Roof Drains** – A drainage conduit or pipe that collects water runoff from a roof and leads it away from the structure.

**Rooftop Detention** – The temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces using controlled-flow roof drains in building designs.

**Runoff** – Any part of precipitation that flows over the land surface.

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

**Sediment** - Soils or other materials transported by surface water as a product of erosion.

**Sediment Basin** – A barrier, dam, or retention or detention basin located and designed in such a way as to retain rock, sand, gravel, silt, or other material transported by water during construction.

**Sediment Pollution** – The placement, discharge, or any other introduction of sediment into the waters of the Commonwealth.

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

**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 underground water.

**Separate Storm Sewer System** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

**Shallow Concentrated Flow** – Stormwater runoff flowing in shallow, defined ruts prior to entering a defined channel or waterway.

**Sheet Flow** – A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

**Soil Cover Complex Method** – A method of runoff computation developed by NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve number (CN).

**Source Water Protection Areas (SWPA)** – The zones through which contaminants, if present, are likely to migrate and reach drinking water wells or surface water intakes.

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

**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. This requires protection of *designated* and *existing* uses (see 25 Pennsylvania Code Chapters 93 and 96)--including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which is listed in Chapter 93. These uses must be protected and maintained under state regulations.
- B. “Existing uses” are those attained as of November 1975, regardless of whether or not they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by the addition of pollutants such as sediment and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, stream bed, and structural integrity of the waterway to prevent these impacts.

**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 average in a stated period of years (see Return Period).

**Storm Sewer** – A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources but exclude domestic sewage and industrial wastes.

**Stormwater** – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**Stormwater Management District** – Those subareas of a watershed in which some type of detention is required to meet the plan requirements and the goals of Act 167.

**Stormwater Management Facility** – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity. Typical stormwater management facilities include, but are not limited to, detention and infiltration basins, open channels, storm sewers, pipes, and infiltration structures.

**Stormwater Management Plan** – The watershed plan, known as the “Pennypack Creek Watershed Act 167 Stormwater Management Plan,” for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the Pennypack Creek Watershed adopted by Bucks, Montgomery, and Philadelphia Counties as required by the Act of October 4, 1978, P.L. 864 (Act 167).

**Stormwater Management Site Plan** – The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest to meet the requirements of this Ordinance.

**Stream** – A natural watercourse.

**Stream Buffer** – The land area adjacent to each side of a stream essential to maintaining water quality (see Buffer).

**Stream Enclosure** – A bridge, culvert, or other structure in excess of one hundred (100) feet in length upstream to downstream, which encloses a regulated water of the Commonwealth.

**Subarea (Subwatershed)** – The smallest drainage unit of a watershed for which stormwater management criteria have been established in the stormwater management plan.

**Subdivision** – The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted. As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

**Surface Waters of the Commonwealth** – Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface waters, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

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

**Timber Operations** – See Forest Management.

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

**Top-of-bank** – Highest point of elevation in a stream channel cross-section at which a rising water level just begins to flow out of the channel and over the floodplain.

**Undeveloped Condition** – Natural condition (see also Pre-development Condition).

**USDA** - United States Department of Agriculture.

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

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

**Water Quality Volume (W<sub>q,v</sub>)** – The storage capacity, in acre-feet, required to capture and treat a portion of stormwater runoff from the developed or redeveloped areas of the site.

**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 this Commonwealth.

**Watershed** – Region or area drained by a river, watercourse or other surface water of the Commonwealth.

**Wellhead** – 1. A structure built over a well, 2. The source of water for a well.

**Wellhead Protection Area** – The surface and subsurface area surrounding a water supply well, well field, or spring supplying a public water system through which contaminants are reasonably likely to move toward and reach the water source.

**Wet Basin** – Pond for urban runoff management that is designed to detain urban runoff and always contains water.

**Wetland** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas.

**Woods** – A natural groundcover with more than one (1) viable tree of a DBH of six (6) inches or greater per fifteen hundred (1,500) square feet which existed within three (3) years of application; a cover condition for which SCS curve numbers have been assigned or to which equivalent Rational Method runoff coefficients have been assigned.

## **ARTICLE III - STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS**

### **Section 301. General Requirements**

For any of the activities regulated by this Ordinance, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, the commencement of any earth disturbance, or activity may not proceed until the Property Owner or Applicant or his/her agent has received written approval of a SWM Site Plan from the Municipality and an approval of an adequate Erosion and Sediment (E&S) Control Plan from the Municipality or County Conservation District.

### **Section 302. SWM Site Plan Contents**

The SWM Site Plan shall consist of a general description of the project, including calculations, maps, and plans. A note on the maps shall refer to the associated computations and Erosion and Sediment (E&S) Control Plan by title and date. The cover sheet of the computations and E&S Control Plan shall refer to the associated maps by title and date. 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 not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the SWM Site Plan:

#### **A. General**

1. General description of the project.
2. General description of proposed stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.<sup>1</sup>
3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
4. An erosion and sediment control plan, including all reviews and letters of adequacy from the Conservation District.<sup>1</sup>
5. A general description of proposed nonpoint source pollution controls.
6. The SWM Site Plan Application and completed fee schedule form and associated fee.
7. The SWM Site Plan Checklist.

#### **B. Maps**

Prepare an Existing Resource and Site Analysis Map (ERSAM) showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, stream buffers, floodplains and hydrologic soil groups. Land development, existing recharge areas, and any other requirements specifically outlined in the municipal SALDO shall also be included.

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<sup>1</sup> (Note: Required for modified drainage plan, in accordance with Table 105.1 for Bucks and Montgomery Counties.)

Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of [County Name] County. If the SALDO has more stringent criteria than this Ordinance, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

1. The location of the project relative to highways, municipal boundaries, or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet or less. In areas of slopes greater than [10] percent, 5-foot contour intervals may be used.
3. Existing streams, lakes, ponds, or other waters of the Commonwealth within the project area.
4. Other physical features including flood hazard boundaries, stream buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines.
6. An overlay showing soil names and boundaries.
7. Limits of earth disturbance, including the type and amount of impervious area that is proposed.<sup>1</sup>
8. Proposed structures, roads, paved areas, and buildings.<sup>1</sup>

<sup>1</sup> (Note: Required for modified drainage plan, in accordance with Table 105.1 for Bucks and Montgomery Counties.)

9. Final contours at intervals of two (2) feet or less. In areas of steep slopes (greater than [10] percent), 5-foot contour intervals may be used.
10. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
11. The date of submission.<sup>1</sup>
12. A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.
13. A north arrow.
14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
15. Existing and proposed land use(s).

16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
17. Location of all open channels.
18. Overland drainage patterns and swales.
19. A 15-foot wide access easement around all stormwater management facilities to provide ingress to and egress from a public right-of-way.
20. The location of all erosion and sediment control facilities.
21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off site. All off-site facilities shall meet the performance standards and design criteria specified in this Ordinance.
22. A statement, signed by the Applicant, acknowledging that any revision to the approved drainage plan must be approved by the Municipality, and that a revised erosion and sediment control plan must be submitted to the Municipality or Conservation District for approval.<sup>1</sup>

<sup>1</sup> (Note: Required for modified drainage plan, in accordance with Table 105.1 for Bucks and Montgomery Counties.)

23. The following signature block for the Design Engineer:

“I, (Design Engineer), on this date (date of signature), hereby certify that the drainage plan meets all requirements of the Department of Environmental Protection’s (DEP’s) regulations and this Ordinance.”

C. Supplemental Information to be Submitted to the Municipality

1. The following information shall be submitted by the Applicant and shall include:
  - a. The overall stormwater management concept for the project designed.
  - b. Stormwater runoff computations required by this Ordinance.
  - c. Stormwater management techniques to be applied both during and after development.
  - d. Expected project time schedule.
  - e. Development stages or project phases, if so proposed.
  - f. An Operations and Maintenance (O&M) Plan in accordance with Section 702 of this Ordinance.
2. An E&S Control Plan
3. A description of the effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.

4. An Approved Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) District office when drainage towards PennDOT property is proposed.

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.<sup>1</sup>
2. When infiltration measures such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.<sup>1</sup>

<sup>1</sup> (Note: Required for modified drainage plan, in accordance with Table 105.1 for Bucks and Montgomery Counties.)

### **Section 303. Plan Submission**

The Municipality requires submission of a complete SWM Site Plan, as specified in this Ordinance.

- A. Proof of application or documentation of required permit(s) or approvals for the programs listed below shall be part of the plan:
  1. National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges from Construction Activities
  2. Any other permit under applicable state or federal regulations
- B. Six (6) copies of the SWM Site Plan shall be submitted and distributed as follows:
  1. Two (2) copies to the Municipality accompanied by the requisite municipal review fee, as specified in this Ordinance.
  2. Two (2) copies to the County Conservation District.
  3. One (1) copy to the Municipal Engineer (where applicable).
  4. One (1) copy to the County Planning Commission/Department.
- C. Any submissions to the agencies listed above that are found to be incomplete shall not be accepted for review and shall be returned to the Applicant with a notification in writing of the specific manner in which the submission is incomplete.
- D. Additional copies shall be submitted as requested by the Municipality or DEP.

### **Section 304. SWM Site Plan Review**

- A. The SWM Site Plan must be consistent with this Ordinance. Any SWM Site Plan found incomplete may not be reviewed and may be returned to the Applicant.
- B. The Municipality will notify the applicant in writing within (\_\_\_) days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification period is (\_\_\_) days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the Municipality. If the Municipality disapproves the SWM Site Plan, the Municipality shall cite the reasons for disapproval in writing.

**Section 305. Modification of SWM Site Plans**

A modification to a submitted SWM Site Plan that involves a change in BMPs or techniques, or that involves the relocation or redesign of BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Municipality shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

**Section 306. Resubmission of Inconsistent or Noncompliant SWM Plans**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the municipality's concerns, to the municipality in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

## ARTICLE IV - STORMWATER MANAGEMENT

### Section 401. General Requirements

- A. For all regulated activities, unless preparation of a Stormwater Management (SWM) Site Plan is specifically exempted:
  - 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 that demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plan approved by the municipality shall be on-site throughout the duration of the regulated activity.
- C. The municipality may, after consultation with the Department of Environmental Protection (DEP), approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including but not limited to the Clean Streams Law.
- D. For all regulated earth disturbance activities, E&S control Best Management Practices (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 Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code 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.
- E. For all Regulated Activities, implementation of the volume controls in Article IV is required.
- 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 development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
  - 3. For projects that add impervious area to a parcel, Sections 403 through 406 shall apply to the total impervious area within the limits of earth disturbance.
- G. Stormwater discharges onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.
- H. All Regulated Activities shall include such measures as necessary to:
  - 1. Protect health, safety and property;
  - 2. Meet the water quality goals of this Ordinance by implementing measures to:

- a. Minimize disturbance to floodplains, wetlands, and wooded areas.
  - b. Maintain or extend riparian buffers.
  - c. Avoid erosive flow conditions in natural flow pathways.
  - d. Minimize thermal impacts to waters of this Commonwealth.
  - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
3. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual) or the Philadelphia Stormwater Management Guidance Manual.
- I. The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.
  - J. Infiltration BMPs should be dispersed on site, made as shallow as practicable, and located to maximize use of natural onsite infiltration features while still meeting the other requirements of this Ordinance.
  - K. Storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.
  - L. The design storm precipitation amounts to be used in the analysis of peak rates of discharge shall be those from the upper limits of the 90% confidence intervals for the 24-hour precipitation events in the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service (NWS), Hydrometeorological Design Studies Center (HDSC), Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
  - M. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
  - N. Various BMPs and their design standards are listed in the BMP Manual<sup>1</sup>.

**Section 402. Permit Requirements by Other Governmental Entities**

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

**Section 403. Erosion and Sediment Control During Regulated Earth Disturbance Activities**

- A. No regulated earth disturbance activities within the Municipality shall commence until the Municipality receives an approval from the Conservation District of an erosion and sediment control plan for construction activities.
- B. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of five thousand (5,000) square feet or more, under 25 Pennsylvania Code § 102.4(b).

C. In addition, under 25 Pennsylvania Code Chapter 92, a DEP “NPDES Construction Activities” Permit is required for regulated earth disturbance activities.

D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Municipality.

E. A copy of the erosion and sediment control plan and any required permit, as required by DEP regulations, shall be available on the project site at all times.

F. Additional erosion and sediment control design standards and criteria are recommended to be applied where infiltration BMPs are proposed. They shall include the following:

1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.
2. Infiltration BMPs shall not be constructed nor receive runoff until the entire drainage area contributory to the infiltration BMP has achieved final stabilization.

#### **Section 404. Nonstructural Project Design (Sequencing to Minimize Stormwater Impacts)**

A. The design of all regulated activities shall include the following to minimize stormwater impacts:

1. The Applicant shall find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces, and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime of the site.
2. An alternative is practicable if it is available and capable of implementation after taking into consideration existing technology and logistics in light of overall project purposes and other municipal requirements.
3. All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.

B. The Applicant shall demonstrate that the regulated activities were designed in the following sequence. The goal of the sequence is to minimize the increases in stormwater runoff and impacts to water quality resulting from the proposed regulated activity:

1. Prepare an Existing Resource and Site Analysis Map (ERSAM, see Section 302.B.)
2. Establish a stream buffer according to Section 407.
3. Prepare a draft project layout avoiding sensitive areas identified in Section 302.
4. Identify site-specific existing conditions drainage areas, discharge points, recharge areas, and hydrologic soil groups A and B (areas conducive to infiltration).
5. Evaluate nonstructural stormwater management alternatives:
  - a) Minimize earth disturbance.
  - b) Minimize clearing operations (vegetation removal)
  - c) Minimize impervious surfaces.
  - d) Break up large impervious surfaces.
6. Satisfy the groundwater recharge (infiltration) objective (Section 405) and provide for stormwater pretreatment prior to infiltration.
7. Provide for water quality protection in accordance with Section 406 water quality requirements.
8. Provide stream bank erosion protection in accordance with Section 407 stream bank erosion requirements.
9. Determine into what management district the site falls (Section 408) and conduct an existing conditions runoff analysis.

10. Prepare final project design to maintain existing conditions drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and, to the maximum extent possible, to ensure that the remaining site development has no surface or point discharge.
11. Conduct a proposed conditions runoff analysis based on the final design that meets the management district requirements (Section 408).
12. Manage any remaining runoff prior to discharge through detention, bioretention, direct discharge, or other structural control.

#### **Section 405. Groundwater Recharge Requirements**

*Note: Philadelphia County, Bucks County, and Montgomery County will follow different Groundwater Recharge criteria.*

- A. Infiltration Best Management Practices (BMPs) shall meet the following minimum requirements unless the site qualifies for an exemption from the infiltration requirements of this ordinance as listed in Section 106:
  1. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:
    - a. A minimum soil depth of twenty-four (24) inches between the bottoms of the infiltration BMPs and bedrock or other limiting zones.
    - b. An infiltration rate sufficient to accept the additional stormwater load and dewater completely as determined by field tests conducted by the Applicant's design professional.
    - c. All open-air infiltration facilities shall be designed to completely infiltrate the recharge (infiltration) volume ( $Re_v$ ) within three (3) days (72 hours) from the start of the design storm.
    - d. All subsurface and contained facilities such as capture-and-reuse systems must have storage available equivalent to the Water Quality Volume ( $Wq_v$ ) within three (3) days (72 hours) from the start of the design storm.
    - e. Pretreatment shall be provided prior to infiltration. See Sec. 202 for definition.

2. The size of the infiltration facility shall be based upon the following volume criteria:

**Bucks County and Montgomery County Portions of the Watershed:**

Where practicable and appropriate the recharge volume shall be infiltrated on site. The recharge volume shall be equal to one (1.0) inch of runoff (I) over all proposed impervious surfaces.

The  $Re_v$  required shall be computed as:

$$Re_v = (P/12) * (I)$$

**Where:**

**$Re_v$  = Recharge Volume (cubic feet)**

**P = 1.0 inch**

**I = Impervious Area within the limits of earth disturbance (square feet)**

An asterisk (\*) in equations denotes multiplication.

**Philadelphia County Portion of the Watershed:**

The recharge volume shall be equal to one (1.0) inch of rainfall over all **DCIA within the limits of Earth Disturbance**.

$$Re_v = (P/12) * (I)$$

**Where:**

**$Re_v$  = Recharge Volume (cubic feet)**

**P = 1.0 inch**

**I = DCIA within the limits of earth disturbance (square feet)**

An asterisk (\*) in equations denotes multiplication.

- B. Soils - A detailed soils evaluation of the project site shall be required to determine the suitability of infiltration facilities. The evaluation shall be performed by a qualified design professional and at a minimum address soil permeability, depth to bedrock, and subgrade stability. The general process for designing the infiltration BMP shall be:
1. Analyze hydrologic soil groups as well as natural and man-made features within the site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of sub-grade stability; infiltration may not be ruled out without conducting these tests.
  2. Provide field tests such as double ring infiltrometer or hydraulic conductivity tests (at the level of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Percolation tests are not recommended for design purposes.

3. Design the infiltration structure for the required retention ( $Re_v$ ) volume based on field determined capacity at the level of the proposed infiltration surface.
4. If on-lot infiltration structures are proposed by the Applicant's design professional, it must be demonstrated to the Municipality that the soils are conducive to infiltrate on the lots identified.
5. An impermeable liner will be required in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the Municipality.

#### **Section 406. Water Volume Control Requirements**

The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the *Design Storm Method* in Subsection A or the *Simplified Method* in Subsection B below. For regulated activity areas equal to or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors. All regulated activities greater than one (1) acre must use the Design Storm Method.

- A. The *Design Storm Method* (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
  1. The post development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation shall not be increased.
  2. For modeling purposes:
    - a. Existing (predevelopment) nonforested pervious areas must be considered meadow.
    - b. 20% of existing impervious area, when present, shall be considered meadow in the model for existing conditions.
- B. The *Simplified Method* (CG-2 in the BMP Manual) provided below 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 (1) acre, or for projects that require design of stormwater storage facilities. For new impervious surfaces:
  1. Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
  2. At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow-- i.e., it shall not be released into the surface waters of the Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
  3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first half (0.5) inch of the permanently removed runoff should be infiltrated.
  4. This method is exempt from the requirements of Section 408, Peak Rate Controls.

## **Section 407. Stream Bank Erosion Requirements (Channel Protection)**

*Note: Philadelphia County, Bucks County, and Montgomery County will follow different Stream Bank Erosion Requirements. If the Municipality has adopted a riparian corridor ordinance, the more restrictive requirement shall apply.*

If a perennial or intermittent stream passes through the site, the Applicant shall create a stream buffer extending a minimum of fifty (50) feet to either side of the top-of-bank of the channel. The buffer area shall be maintained with and encouraged to use appropriate native vegetation (refer to Appendix B of the BMP Manual for plant lists). If the applicable rear or side yard setback is less than fifty (50) feet, the buffer width may be reduced to twenty-five (25) percent of the setback to a minimum of ten (10) feet. If an existing buffer is legally prescribed (i.e., deed, covenant, easement, etc.) and it exceeds the requirements of this Ordinance, the existing buffer shall be maintained. *[Note: The Municipality may select a smaller buffer width (above) if desired, but the selected buffer may not be less than ten (10) feet].* This does not include lakes or wetlands.

### **Montgomery County Portion of the Watershed:**

Applicants shall adhere to the following Stream Bank Erosion/Channel Protection Requirements:

- A. In addition to the control of water quality volume (in order to minimize the impact of stormwater runoff on downstream stream bank erosion), the primary requirement is to design a BMP to detain the proposed conditions 2-year, 24-hour design storm to the existing conditions 1-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1-year storm takes a minimum of twenty-four (24) hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured (i.e., the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility).
- B. The minimum orifice size in the outlet structure to the BMP shall be three (3) inches in diameter where possible, and a trash rack shall be installed to prevent clogging. On sites with small drainage areas contributing to this BMP that do not provide enough runoff volume to allow a 24-hour attenuation with the 3-inch orifice, the calculations shall be submitted showing this condition. Orifice sizes less than three (3) inches can be utilized, provided that the design will prevent clogging of the intake. It is recommended that the design, to accommodate maintenance, include sand or a porous media filter.

### **Philadelphia County Portion of the Watershed:**

Redevelopment sites with less than one (1) acre of Earth Disturbance or redevelopment sites that demonstrate a 20% reduction in DCIA from predevelopment conditions are exempt from this requirement.

Applicants shall adhere to the following Stream Bank Erosion/Channel Protection Requirements:

- A. To meet the requirement, Stormwater Management Practices shall retain or detain the runoff from all DCIA within the limits of Earth Disturbance from a 1-year, 24-hour Natural Resources Conservation Service (NRCS) Type II design storm in the proposed site condition such that the runoff takes a minimum of 24 hours and a maximum of 72 hours from the end of the storm event to drain the management facility.

- B. The infiltration and water quality volumes may be incorporated into the channel protection portion of the design provided the design meets all requirements concurrently.
- C. In “Conditional Direct Discharge Districts” (District C) only (see Section 408), the objective is not to attenuate the storms greater than the 2-year recurrence interval. This can be accomplished by configuring the outlet structure not to control the larger storms or by a bypass channel that diverts only the 2-year stormwater runoff into the basin or conversely, diverts flows in excess of the 2-year storm away from the basin.

**Section 408. Stormwater Peak Rate Control and Management Districts**

- A. The Pennypack Creek Watershed has been divided into stormwater management districts as shown on the Management District Map in Appendix 1 of the Ordinance.

In addition to the requirements specified in Table 408.1 below, the erosion and sedimentation control (Section 403), the nonstructural project design (Section 404), the groundwater recharge (Section 405), the water volume control (Section 406), and the stream bank erosion (Section 407) requirements shall be implemented.

Standards for managing runoff from each subarea in the Pennypack Creek Watershed for the 2-, 5-, 10-, 25-, 50-, and 100-year design storms are shown in Table 408.1. Development sites located in each of the management districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms in accordance with Table 408.1.

**TABLE 408.1  
PEAK RATE CONTROL STANDARDS BY STORMWATER MANAGEMENT DISTRICT IN THE  
PENNYPACK CREEK WATERSHED**

| District | Proposed Condition Design Storm       |           | Existing Condition Design Storm |
|----------|---------------------------------------|-----------|---------------------------------|
| A        | 2-year                                | Reduce to | 1-year                          |
|          | 5-year                                |           | 5-year                          |
|          | 10-year                               |           | 10-year                         |
|          | 25-year                               |           | 25-year                         |
|          | 50-year                               |           | 50-year                         |
|          | 100-year                              |           | 100-year                        |
| B        | 2-year                                | Reduce to | 1-year                          |
|          | 5-year                                |           | 2-year                          |
|          | 10-year                               |           | 5-year                          |
|          | 25-year                               |           | 10-year                         |
|          | 50-year                               |           | 25-year                         |
|          | 100-year                              |           | 50-year                         |
| C*       | Conditional Direct Discharge District |           |                                 |

**In District C, development sites that can discharge directly to the Pennypack Creek Main Channel (east of I-95) and to the Delaware River main channel without use of City infrastructure may do so without control of proposed conditions peak rate of runoff.**

**Projects that are required to obtain a NPDES Permit for stormwater discharges associated with construction activities are required to show no increase in peaks from existing conditions.**

**When adequate capacity in the downstream system does not exist and will not be provided through improvements, the proposed conditions peak rate of runoff must be controlled to the Predevelopment Conditions peak rate as required in District A provisions for the specified Design Storms. The Predevelopment Condition for new development is the existing condition. For redevelopment purposes in Philadelphia County, the Predevelopment Condition is determined according to the procedures found in the Philadelphia Stormwater Guidance Manual.**

- B. General - Proposed conditions rates of runoff from any regulated activity shall not exceed the peak release rates of runoff from existing conditions for the design storms specified on the Stormwater Management District Watershed Map (Ordinance, Appendix 1).
- C. District Boundaries - The boundaries of the stormwater management districts are shown on an official map that is available for inspection at the municipal and County Planning offices. A copy of the official map at a reduced scale is included in Ordinance Appendix 1. The exact location of the stormwater management district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the 2-foot topographic contours (or most accurate data required) provided as part of the drainage plan.

- D. Sites Located in More than One (1) District - For a proposed development site located within two (2) or more stormwater management districts, the peak discharge rate from any subarea shall meet the management district criteria in which the discharge is located.
- E. Off-site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- F. Site Areas - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the management district criteria. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the management district criteria.
- G. Alternate Criteria for Redevelopment Sites - For redevelopment sites, one of the following minimum design parameters shall be accomplished, whichever is most appropriate for the given site conditions as determined by [*Municipality*];
  1. Meet the full requirements specified by Table 408.1 and Sections 408.A through 408.F.

or

  2. Reduce the total impervious surface on the site by at least twenty (20) percent based upon a comparison of existing impervious surface to proposed impervious surface.

**Section 409. Calculation Methodology**

- A. Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS soil cover complex method. Designer must consult with the municipality to gain approval of design methods prior to design.

Table 409-1 summarizes acceptable computation methods and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The Municipality may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres. The Soil Complex Method shall be used for drainage areas greater than 200 acres.

**TABLE 409.1  
Acceptable Computation Methodologies For  
Stormwater Management Plans**

**Montgomery County**

| <u>METHOD</u>  | <u>METHOD DEVELOPED BY</u> | <u>APPLICABILITY</u>  |
|--|----------------------------|---|
| WINTR-20   | USDA NRCS                  | Applicable where use of full hydrology computer model is desirable or necessary.  |
| WINTR-55   | USDA NRCS                  | Applicable for land development plans within limitations described in TR-55.  |
| HEC-HMS  | US Army Corps of Engineers | Applicable where use of full hydrologic computer model is desirable or necessary.   |
| Rational Method or commercial computer package based on Rational Method) | Emil Kuichling(1889)       | For sites less than 200 acres and with time of concentration less than 60 minutes ( $T_c < 60$ min), or as approved by the Municipality and/or Municipal Engineer |
| Other Methods  | Varies                     | Other computation methodologies approved by the Municipality and/or Municipal Engineer.   |

**Philadelphia County**

| <u>METHOD</u> | <u>METHOD DEVELOPED BY</u> | <u>APPLICABILITY</u>   |
|---------------|----------------------------|--|
| WINTR-20      | USDA NRCS                  | Applicable where use of full hydrology computer model is desirable or necessary. |
| WINTR-55      | USDA NRCS                  | Applicable for land development plans within limitations described in TR-55.     |

*\*Note: Successors to the above methods are also acceptable. These successors include WinTR55 for TR-55 and WinTR20 for TR-20*

- B. If a hydrologic computer model such as HydroCAD or HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The rainfall distribution should reference NOAA Atlas 14.
- C. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational 'C' value (i.e., forest).
- D. For Montgomery County only, all calculations using the Rational Method shall use rainfall intensities from the NOAA 14 Precipitation-Frequency Atlas of the United States (2004, revised 2006). Times-

of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of-concentration for channel and pipe flow shall be computed using Manning's equation.

- E. The Manning equation is preferred for 1-D, gradually-varied, open channel flow. In other cases, appropriate, applicable methods should be applied, however, early coordination with the municipality is necessary.
- F. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using the generally accepted hydraulic analysis technique or method of the Municipality.
- G. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

## **ARTICLE V - INSPECTIONS**

### **Section 501. Inspections**

- A. The Municipality or his Municipal designee shall inspect all phases of the installation of the Best Management Practices (BMPs) and/or stormwater management facilities as deemed appropriate by the Municipality.
- B. During any stage of the work, if the Municipality or his Municipal designee determines that the BMPs and/or stormwater management (SWM) facilities are not being installed in accordance with the approved SWM plan, the Municipality, may suspend or revoke, in whole or in part, any existing permits or other approvals and issue a cease and desist order until a revised SWM Site Plan is submitted and approved, as specified in this Ordinance, and until the deficiencies are corrected.
- C. A final inspection of all BMPs and/or SWM facilities may be conducted by the Municipality or his Municipal designee to confirm compliance with the approved Stormwater Management Site Plan prior to the issuance of any occupancy permit.
- D. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies, which were reviewed and received approval by the Municipality, shall be submitted to the Municipality.
- E. The as-built submission shall include a certification of completion signed and sealed by a Qualified Professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any Qualified Professionals contributed to the construction plans, they must sign and seal the completion certificate.

## **ARTICLE VI - FEES AND EXPENSES**

### **Section 601. Municipality Stormwater Management (SWM) Site Plan Review and Inspection Fee**

Fees shall be established by the Municipality to defray plan review and construction inspection costs incurred by the Municipality. All fees shall be paid by the Applicant at the time of SWM Site Plan submission. A review and inspection fee schedule shall be established by resolution of the municipal Governing Body based on the size of the Regulated Activity and based on the Municipality's costs for reviewing SWM Site Plans and conducting inspections pursuant to Section 501. The Municipality shall periodically update the review and inspection fee schedule to ensure that review costs are adequately reimbursed.

### **Section 602. Expenses Covered by Fees**

The fees required by this Ordinance (unless otherwise waived by the Municipality) shall at a minimum cover:

- A. Administrative costs.
- B. The review of the drainage plan by the Municipality.
- C. The site inspections.
- D. The inspection of SWM facilities and drainage improvements during construction.
- E. The final inspection at the completion of the construction of the SWM facilities and drainage improvements presented in the SWM Site Plan.
- F. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

## **ARTICLE VII - MAINTENANCE RESPONSIBILITIES**

### **Section 701. Performance Guarantee**

- A. For subdivisions and land developments, the Applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management facilities as required by the approved SWM Site Plan. The amount of the guarantee shall be equal to or greater than the full construction cost of the required controls.
- B. For other regulated activities, the Municipality may require a financial guarantee from the Applicant.

### **Section 702. Responsibilities for Operation and Maintenance (O&M) of Stormwater Facilities and Best Management Practices (BMPs)**

- A. The owner of any land upon which stormwater facilities and BMPs will be placed, constructed, or implemented, as described in the stormwater facility and BMP O&M Plan, shall record the following documents in the Office of the Recorder of Deeds for \_\_\_\_\_ County, within \_\_\_\_\_ (\_\_\_) days of approval of the stormwater facility and BMP O&M plan by the Municipality:
  - 1. The O&M plan, or a summary thereof,
  - 2. O&M agreements under Section 704, and
  - 3. Easements under Section 705.
- B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of failure on the part of the owner to comply with this section.
- C. The following items shall be included in the stormwater control and BMP O&M Plan:
  - 1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of \_\_\_\_\_ County, shall be submitted on \_\_\_\_\_-inch x-\_\_\_\_\_inch sheets. The contents of the map(s) shall include, but not be limited to:
    - a. Clear identification of the location and nature of stormwater controls and BMPs,
    - b. The location of the project site relative to highways, municipal boundaries or other identifiable landmarks,
    - c. Existing and final contours at intervals of two (2) feet, or others as appropriate,
    - d. Existing streams, lakes, ponds, or other bodies of water within the project site area,
    - e. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved,
    - f. The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines of the project site,
    - g. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added,
    - h. Proposed final structures, roads, paved areas, and buildings, and
    - i. A \_\_\_foot wide access easement around all stormwater controls and BMPs that would provide ingress to and egress from a public right-of-way.

2. A description of how each stormwater facility and BMP will be operated and maintained, and the identity and contact information associated with the person(s) responsible for operations and maintenance,
  3. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan, and
  4. A statement, signed by the landowner, acknowledging that the stormwater facilities and BMPs are fixtures that can be altered or removed only after approval by the Municipality.
- D. The stormwater control and BMP O&M Plan for the project site shall establish responsibilities for the continuing O&M of all stormwater facilities and BMPs, as follows:
1. If a plan includes structures or lots which are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater controls and BMPs may also be dedicated to and maintained by the Municipality;
  2. If a plan includes operation and maintenance by a single ownership or if sewers and other public improvements are to be privately owned and maintained, the O&M of stormwater controls and BMPs, and inspections required by MS4 permits, shall be the responsibility of the owner or private management entity.
- E. The Municipality shall make the final determination on the continuing operation and maintenance responsibilities prior to final approval of the Stormwater Management Site Plan. The Municipality reserves the right to accept or reject the O&M responsibility for any or all portions of the stormwater controls and BMPs.
- F. The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- G. The municipality may take enforcement actions against an owner for any failure to satisfy the provisions of this Article and this Ordinance.

**Section 703. Municipal Review of a Stormwater Facility and BMP O&M Plan**

- A. Stormwater controls and BMP O&M plans shall be consistent with the requirements of this Ordinance.
- B. The Municipality will notify Applicants in writing whether or not stormwater facilities and BMP O&M plans are approved.
- C. The Municipality’s approval letter will indicate whether or not “record drawings” of all stormwater controls and BMPs are required, including a final “as-built” O&M Plan.

**Section 704. Operation and Maintenance (O&M) Agreement for Privately Owned Stormwater Controls and BMPs**

- A. The owner shall sign an O&M agreement with the Municipality covering all stormwater facilities and BMPs that are to be privately owned. The O&M agreement shall be transferred with transfer of ownership.

- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all stormwater facilities and BMPs. The O&M Agreement shall be subject to the review and approval of the Municipality.
- C. The owner is responsible for O&M of the SWM BMPs. If the owner fails to adhere to the 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.

**Section 705. Stormwater Management Easements**

- A. The owner must obtain all necessary real estate rights to install, operate, and maintain all stormwater facilities in the SWM Site Plan.
- B. The owner must provide the municipal easements, or other appropriate real estate rights, to perform inspections and maintenance or the preservation of stormwater runoff conveyance, infiltration, and detention areas.

**ARTICLE VIII - PROHIBITIONS**

**Section 801. Prohibited Discharges**

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in subsection C below, and (2) discharges allowed under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:

|   |  |
|---|--|
| - Discharges from fire fighting activities  | - Flows from riparian habitats and wetlands  |
| - Potable water sources including water line flushing   | - Uncontaminated water from foundations or from footing drains                           |
| - Irrigation drainage   | - Lawn watering  |
| - Air conditioning condensate   | - Dechlorinated swimming pool discharges   |
| - Springs   | - Uncontaminated groundwater   |
| - Water from crawl space pumps  | - Water from individual residential car washing  |
| - 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 | - Routine external building wash down (which does not use detergents or other compounds) |

- D. In the event that the Municipality or DEP determines that any of the discharges identified in Subsection C significantly contribute to pollution of the waters of this Commonwealth, the Municipality or DEP will notify the responsible person(s) to cease the discharge.

**Section 802. Prohibited Connections**

Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks is prohibited.

**Section 803. Roof Drains**

- A. In Philadelphia, roof drains shall comply with Section P-1001 of the Philadelphia Plumbing Code.
- B. In Bucks County and Montgomery County, roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches, and shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

**Section 804. Alteration of BMPs**

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

## **ARTICLE IX - ENFORCEMENT AND PENALTIES**

### **Section 901. Right-of-Entry**

Upon providing forty-eight (48) hours written notice, the Municipality, or its authorized agents and employees, may enter at reasonable times upon any part of the property within the Municipality to inspect and determine the compliance of the implementation, condition, or operation and maintenance (O&M) of the stormwater facilities or Best Management Practices (BMPs) in regard to any aspect governed by this Ordinance. Inspection includes monitoring and sampling to determine proper operation of stormwater facilities and BMPs. The Municipality shall have the right to temporarily locate on any stormwater control or BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater control or BMP.

### **Section 902. Inspection**

BMPs should be inspected for proper operation by the landowner, or the owner's designee (including the municipality for dedicated and owned facilities), according to the following list of minimum frequencies:

1. Annually for the first 5 years.
2. Once every 3 years thereafter.
3. During or immediately after the cessation of a 10-year or greater storm.
4. As specified in the O&M agreement,

### **Section 903. Enforcement**

All inspections regarding compliance with the Stormwater Management (SWM) Site Plan and this Ordinance shall be the responsibility of the Municipality.

- A. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by notifying the responsible person. Such notice may include the following remedies:
1. Performance of monitoring, analyses, and reporting;
  2. Elimination of prohibited connections or discharges;
  3. Cessation of any violating discharges, practices, or operations;
  4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  5. Payment of a fine to cover administrative and remediation costs;
  6. Implementation of stormwater controls and BMPs; and
  7. O&M of stormwater facilities and BMPs.

- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of those violations(s). If the violator fails to take the required action within the established deadline, the work may be done by the Municipality and the expenses may be charged to the violator.
- C. Failure to comply within the time specified may subject a violator to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing other remedies available in law or equity.

**ENACTED and ORDAINED** at a regular meeting of the \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_ of \_\_\_\_\_, 20\_\_\_. This Ordinance shall  
take effect immediately.

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Title]

ATTEST:

\_\_\_\_\_  
Secretary

I hereby certify that the foregoing Ordinance was advertised in the  
\_\_\_\_\_ on \_\_\_\_\_, 20\_\_, a newspaper of general circulation in  
the Municipality and was duly enacted and approved as set forth at a regular meeting of the Municipality's  
Governing Body held on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Secretary

# Appendix 1. Management District Map

## Pennypack Watershed

### Proposed Management Districts for Peak Rate Control

#### District A

Design Storm  
Proposed Conditions  
Conditions

100-Yr  
50-Yr  
25-Yr  
10-Yr  
5-Yr  
2-Yr

Reduce to

Design Storm  
Existing

100-Yr  
50-Yr  
25-Yr  
10-Yr  
5-Yr  
1-Yr

#### District B

Design Storm  
Proposed Conditions  
Conditions

100-Yr  
50-Yr  
25-Yr  
10-Yr  
5-Yr  
2-Yr

Reduce to

Design Storm  
Existing

50-Yr  
25-Yr  
10-Yr  
5-Yr  
2-Yr  
1-Yr

#### District C\*

Conditional Direct Discharge District

