

**NETHER PROVIDENCE TOWNSHIP
STORMWATER MANAGEMENT
ORDINANCE**

ORDINANCE NO. 768

**NETHER PROVIDENCE, DELAWARE COUNTY,
PENNSYLVANIA**

Adopted at a Public Meeting held on

AUGUST 2nd, 2012

TABLE OF CONTENTS
(continued)

	PAGE
ARTICLE VII-MAINTENANCE RESPONSIBILITIES	55
Section 701. Performance Guarantee.....	55
Section 702. Responsibilities for Operations and Maintenance (O&M) of Stormwater Controls and BMPs.....	55
Section 703. Municipal Review of a Stormwater Control and BMP Operations and Maintenance Plan.	57
Section 704. Adherence to an Approved Stormwater Control and BMP Operations and Maintenance Plan	57
Section 705. Operations and Maintenance Agreement for Privately Owned Stormwater Controls and BMPs	57
Section 706. Stormwater Management Easements	57
Section 707. Recording of an Approved Stormwater Control and BMP Operations and Maintenance Plan and Related Agreements	58
Section 708. Municipal Stormwater Control and BMP Operation and Maintenance Fund	58
ARTICLE VIII-PROHIBITIONS.	61
Section 801. Prohibited Discharges	61
Section 802. Prohibited Connections	62
Section 803. Roof Drains and Sump Pumps	62
Section 804. Alteration of BMPs	62
ARTICLE IX-ENFORCEMENT AND PENALTIES.	63
Section 901. Right-of-Entry	63
Section 902. Public Nuisance	63
Section 903. Enforcement Generally	63
Section 904. Suspension and Revocation of Permits and Approvals	64
Section 905. Penalties	64
Section 906. Notification	65
Section 907. Enforcement	65
Section 908. Appeals	66

ORDINANCE APPENDICES

APPENDIX A	Stormwater Management District Watershed Map.....	A-1
APPENDIX B	Simplified Approach to Stormwater Management for Small Projects	B-1
APPENDIX C-1	Sample SWM Site Plan Application and Proposed Schedule of Fees	C-1-1
APPENDIX C-2	SWM Site Plan Checklist.....	C-2-1
APPENDIX D	Implementation Flow Charts.....	D-1
APPENDIX E	Low Impact Development (LID) Practices.....	E-1

TABLE OF CONTENTS
(continued)

PAGE

APPENDIX F	Stormwater Management Design Criteria	F-1
APPENDIX G	References.....	G-1
APPENDIX H	West Nile Virus Guidance	H-1
APPENDIX I	Stormwater Controls and Best Management Practices Operations and Maintenance Agreement.....	I-1
APPENDIX J	Riparian Buffer Trail Guidelines	J-1

ARTICLE I – GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known as the Nether Providence Township Stormwater Management Ordinance and amends Chapter 281 of the Township Code”.

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 infiltration, 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 infiltration 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, infiltration, 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. Nonstormwater 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 Municipality by maintaining the natural hydrologic regime and minimizing the impacts 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 base flow, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- J. Protect base flows and quality of streams and watercourses, where possible.
- 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 to meet certain NPDES MS4 permit requirements.
- N. Implement an illicit discharge detection and elimination program that addresses non-stormwater discharges into the Municipality's separate storm sewer system (MS4).
- O. Preserve the flood-carrying capacity of streams.
- P. Prevent accelerated scour, erosion and sedimentation of stream channels.
- Q. Provide performance standards and design criteria based on watershed-wide stormwater management planning.
- R. Provide proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented within the Municipality.

Section 104. Statutory Authority

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

- A. Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the "Storm Water Management Act" (hereinafter referred to as "the Act");
- B. First Class Township Code, 53, Section 55101 et seq;
- C. Act of July 31, 1968, P.L. 805, No. 247, Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 105. Applicability/Regulated Activities

All regulated activities and all activities that may affect stormwater runoff, **including but not limited to land development, redevelopment, and earth disturbance activity** located within the municipality, are subject to regulation by this Ordinance. Article VIII regarding Prohibited Discharges applies to any and all activities in the Township that may affect water quality.

This Ordinance contains the stormwater management performance standards and design criteria that are necessary 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.

Section 106. Exemptions

An exemption shall not relieve the Applicant from implementing the requirements of the municipal Ordinance or from implementing such measures as are necessary to protect public health, safety, and property. An exemption shall not relieve the Applicant from complying with the special requirements for watersheds draining to identified high quality (HQ) or exceptional

value (EV) waters or any other current or future state or municipal water quality protection requirements. If a drainage problem is documented or known to exist downstream of, or is expected from the proposed activity, then the Municipality may withdraw exemptions listed in Table 106 and require the Applicant to comply with all requirements of this Ordinance. Even though the Applicant is exempt, he is not relieved from complying with other municipal ordinances or regulations.

General Exemptions

Table 106.1 summarizes the exemptions from certain provisions of this Ordinance. Exemptions are for the items noted in Table 106.1 only, and shall not relieve the Applicant from other applicable sections of this Ordinance.

Any regulated activity that is exempt from some provisions of the Ordinance is exempt only from those provisions. If development is to take place in phases, the developer is responsible for implementing the requirements of the Ordinance as the impervious cover/earth disturbance threshold is met. The date of the municipal Ordinance adoption shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area and earth disturbance computations shall be cumulatively considered. Exemption shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, and property. For example:

If a property owner proposes a **150 square foot shed** after adoption of the municipal stormwater management Ordinance, that property owner would be **exempted from water quality and quantity requirements of the Ordinance as noted in Table 106.1 of the Ordinance**. If, at a later date, the property owner proposes to construct a 499 square foot room addition, the applicant would be required to comply with the requirements for the **Simplified Method for the full 649 square feet of impervious cover created since adoption of the municipal Ordinance**. If an additional 700 square foot swimming pool/patio is proposed later, the property owner would be required to implement the full stormwater quantity and quality control submission requirements of this Ordinance for the **total 1,349 square feet of additional impervious surface added to the original property since adoption of the municipal Ordinance**.

**TABLE 106.1
Ordinance Exemptions**

Ordinance Article or Section	Type of Project	Proposed Impervious Surface			Earth Disturbance		
		0-499 sq. ft.	500-999 sq. ft.	1,000+ sq. ft.	0-4,999 sq. ft. disturbance	5,000 sq. ft. - < 1 acre	≥ 1 acre
Article IV SWM Site Plan Requirements	Development Redevelopment	Exempt	Not Exempt Simplified Approach	Not Exempt	Exempt	Modified ¹	Not Exempt
Section 304 Nonstructural Project Design	Development Redevelopment	Exempt	Not Exempt Simplified Approach	Not Exempt	Exempt	Not Exempt	Not Exempt
Section 305 Infiltration Volume Requirements	Development Redevelopment	Exempt	Not Exempt Simplified Approach	Not Exempt	Exempt	Exempt	Not Exempt
Section 306 Water Quality Requirements	Development Redevelopment	Exempt	Not Exempt Simplified Approach	Not Exempt	Modified ²	Modified ²	Not Exempt
Section 307 Stream Bank Erosion Requirements	Development Redevelopment	Exempt	Not Exempt Simplified Approach	Not Exempt	Exempt	Exempt	Not Exempt
Section 308 Stormwater Peak Rate Control and Management Districts	Development Redevelopment	Exempt	Exempt	Not Exempt	Exempt	Not Exempt	Not Exempt
Erosion and Sediment Pollution Control Requirements	Must comply with Title 25, Chapter 102 of the PA Code and other applicable state and municipal codes, including the Clean Streams Law.						Not Exempt

Legend:

- **“Proposed Impervious Surface”** in Table 106.1 includes new, additional, or replacement impervious surface/cover as part of development or redevelopment.
- Exempt - Exempt from required section provision only – SWM site plan submission may still be required if other section provisions are applicable.
- Modified¹ - Modified SWM site plan need only consist of items in Sections 402.A.2 and 4; 402B.7, 8, 11, and 22; and 402.D.1 and 3 and related supportive material needed to determine compliance with Sections 304 and 308. Modified SWM site plan is required that includes all elements of Section 304, as applicable.
- Modified² - Modified SWM site plan need only consist of items and related material needed to determine compliance with Section 306.C.
- Simplified Approach – **Must comply with provisions of Appendix B of the Ordinance.**
- Redevelopment – See Section 308.I for alternate stormwater peak rate control criteria.

A. Exemptions for Specific Activities

1. Use of land for gardening or home consumption.
2. Agriculture when operated in accordance with a conservation plan, nutrient management plan, or erosion and sedimentation control plan approved by the County Conservation District, including activities such as growing crops, rotating crops, tilling soil, and grazing animals. For agriculture with an approved conservation plan, installation of new or expansion of existing farmsteads, animal housing, waste

storage, and production areas having impervious surfaces that result in a net increase in impervious surface of between 500-999 square feet shall apply the simplified approach, and net increases in impervious surface of greater than or equal to 1,000 square feet shall be subject to the provisions of this Ordinance.

3. Forest management operations which are following the Department of Environmental Protection's (PADEP) management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry," are operating under an approved erosion and sedimentation plan, and must comply with the stream buffer requirements in Section 306.C.
4. Repaving without reconstruction.
5. Emergency Exemption - Emergency maintenance work performed for the protection of public health, safety, and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to Nether Providence Township within two (2) calendar days of the commencement of the activity. If Nether Providence Township finds that the work is not an emergency, then the work shall cease immediately, until a stormwater site-plan in accordance with this ordinance is submitted and approved by the municipality.
6. Maintenance Exemption - Any maintenance to an existing stormwater management system made in accordance with plans and specifications approved by the municipal Engineer of Nether Providence Township.

Section 107. Repealer

Any ordinance or ordinance provision of the Municipality inconsistent with any of the provisions of this and other federal and state regulations are hereby repealed to the extent of the inconsistency only.

Section 108. Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, 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

- A. 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.
- B. To the extent that this Ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Ordinance shall be followed.

- C. Nothing in this Ordinance shall be construed to affect any of the Municipality's requirements regarding stormwater matters that do not conflict with the provisions of this Ordinance, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain. The requirements of this Ordinance shall supersede any conflicting requirements in other municipal ordinance or regulations.

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

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 of a rate greater than would occur because of the natural processes alone.

Agricultural Activities – The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, nursery and sod operations, excluding greenhouse structures, 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 or other person who has filed an application to the Municipality for approval to engage in any regulated activity defined in Section 105 of this Ordinance.

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 municipal Engineer 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 infiltration, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “nonstructural.” In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

Buffer -- See Riparian Buffer

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 – The Delaware County Conservation District.

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 semi-fluid. A dam may include a refuse bank,

fill, or structure for highway, railroad, or other purposes which impounds or may impound water or another fluid or semi-fluid.

Department – The Pennsylvania Department of Environmental Protection.

Designee – The agent of the Delaware County Planning Commission, Delaware County Conservation District, and/or agent of the Governing Body involved with the administration, review, or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

Design Professional (Qualified) – A Pennsylvania Registered Professional Engineer, Registered Landscape Architect, Registered Professional Land Surveyor trained to develop SWM site plan, or any person licensed by the Pennsylvania Department of State or qualified by law to perform the work required by the Ordinance.

Design Storm – The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., twenty-four (24) hours), used in the design and evaluation of stormwater management systems.

Detention or To Detain – The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.

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 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, Land – 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, drilling, 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 – The specific tract or parcel of land where any regulated activity set forth in Section 105 is planned, conducted, or maintained.

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.

Discharge – 1. (verb) To release water from a project, site, aquifer, drainage basin, or other point of interest; 2. (noun) The rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (see Peak Discharge).

Discharge Point – The point of discharge for a stormwater facility.

Disturbed Area – 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 Permit – A permit issued by the Municipality after the stormwater management site plan has been approved.

Earth Disturbance Activity – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; 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 process by which the surface of the land, including water/stream channels, 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. Said plan must be submitted to and approved by the appropriate Conservation District before construction can begin.

Exceptional Value (EV) 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 initial condition of a project site prior to the proposed alteration. 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.

Financial Hardship – A situation where the greatest possible profit cannot be fully realized from development/redevelopment on a given parcel of land due to added costs or burdens associated with the design, construction, and/or maintenance of stormwater structures, facilities, buffers and/or setbacks.

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 as delineated by the applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area.

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 maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year 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 often between saturated soil and rock.

Groundwater Recharge – The replenishment of existing natural underground water supplies from rain 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 Darby-Cobbs and Crum Creek watersheds during the Act 167 plan development and was the basis for the standards and criteria of this Ordinance.

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

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 for 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 – A classification of soils by the Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service (SCS), into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Impervious Surface – A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, driveway areas, or roofs. Any surface areas designed to be gravel or crushed stone shall be regarded as impervious surfaces.

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 remain undeveloped but are 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 Structures – A structure designed to direct runoff into the underground water (e.g., French drains, seepage pits, or seepage trenches).

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.

Land 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 Pennsylvania Municipalities Planning Code.

Limiting Zone – A soil horizon or condition in the soil profile or underlying strata 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 insufficient 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 watershed-specific hydrologic models.

Manning Equation (Manning Formula) – A method for calculation of velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow, and slope. “Open channels” may include closed conduits so long as the flow is not under pressure.

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

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

Municipality – Nether Providence Township, Delaware 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 is 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 PADEP in Pennsylvania.

NRCS – Natural Resource Conservation Service (previously 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.

Pennsylvania Stormwater Best Management Practices Manual (Document Number 363-0300-002) (December 2006) - The Best Management Practices Manual published by the Pennsylvania Department of Environmental Protection. The manual is to supplement federal and state regulations and the Department of Environmental Protection's Comprehensive Stormwater Management Policy that emphasizes effective site planning as the preferred method of managing runoff while also providing numerous examples of BMPs that can be employed in Pennsylvania to further avoid and minimize flooding and water resource problems.

Pervious Area – Any area not defined as impervious.

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

Planning Commission – The Planning Commission of Nether Providence Township.

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 of Section 306.

Project Site – The specific area of land where any regulated activities in the Municipality are planned, conducted, or maintained.

Qualified Professional – See Design Professional (Qualified).

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

Reach – Any stream segment or other runoff conveyance used in the watershed-specific hydrologic models.

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

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.

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, including redevelopment.

Regulated Earth Disturbance Activity – Activity involving earth disturbance subject to regulation under 25 Pennsylvania Code Chapters 92, Chapter 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 – Resurfacing of the impervious surface that does not involve reconstruction of an existing paved (impervious) surface.

Replacement Paving – Reconstruction of and full replacement of an existing paved (impervious) surface.

Retention or To Retain – The prevention of direct discharge of stormwater runoff into receiving waters or water bodies by temporary or permanent containment in a pond or depression; examples include systems which discharge by percolation to groundwater, and/or evaporation processes and which generally have residence times of less than three (3) days.

Retention Basin – A structure in which stormwater is stored and not released during the storm event. Retention basins are designed for infiltration purposes and do not have an outlet.

Return Period – The average interval, in years, within which a storm event of a given 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.

Riparian – Pertaining to anything connected with or immediately adjacent to the banks of a stream or other body of water.

Riparian Buffer – An area of land adjacent to a body of water and managed to maintain the integrity of stream channels and shorelines to 1) reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and 2) supply food, cover and thermal protection to fish and other wildlife.

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 – Soil 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 zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

Special Protection Subwatersheds – Watersheds that have been designated by PADEP as EV or HQ waters.

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 Pennsylvania Code Title 25 and the Clean Streams Law.

Storage Indication Method – A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency – The number of times that a given storm “event” occurs or is exceeded on the average in a stated period of years (see Return Period).

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

Stormwater – Drainage runoff from the surface of the land resulting from precipitation, 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 retention basins, open channels, storm sewers, pipes, and infiltration structures.

Stormwater Management Plan – The watershed plan for managing stormwater runoff for a watershed, adopted by Delaware and Chester Counties as required by the Act of October 4, 1978, P.L. 864 (Act 167), as amended, and known as the “Storm Water Management Act.” See also Watershed Stormwater Management Plan.

Stormwater Management (SWM) Site Plan – The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance, and including all necessary design drawings, calculations, supporting text, and documentation to demonstrate that Ordinance requirements have been met, hereafter referred to as “SWM site plan.”

Stream – A natural watercourse.

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

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.

SWM Site Plan – See Stormwater Management Site Plan.

Timber Operations – See Forest Management.

Time-of-concentration (T_c) – 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.

USDA – United States Department of Agriculture.

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

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.

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

Watershed – Region or area drained by a river, watercourse, or other body of water, whether natural or artificial.

Watershed Stormwater Management Plan – A watershed plan for managing stormwater runoff for a watershed, adopted by Delaware and Chester Counties as required by the Act of October 4, 1978, P.L. 864 (Act 167), as amended, and known as the “Storm Water Management Act” (e.g., Chester Creek, Ridley Creek, Crum Creek, Darby-Cobbs Creeks). See also Stormwater Management Plan.

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

Section 301. General Requirements

- A. Applicants proposing regulated activities in the Municipality which do not fall under the exemption criteria shown in Section 106 shall submit a stormwater management site plan consistent with this Ordinance and the applicable watershed stormwater management plan to the Municipality for review. The stormwater management criteria of this Ordinance shall apply to the total proposed development even if development is to take place in stages.
- B. No regulated activity within the Municipality shall commence until the Municipality issues approval of a SWM plan, which demonstrates compliance with the requirements of this ordinance.
- C. The Applicant is required to design the site to minimize surface discharge of stormwater and the creation of impervious surfaces in order to maintain, as much as possible, the natural hydrologic regime.
- D. The SWM site plan must be designed consistent with the sequencing provisions of Section 304 to ensure maintenance of the natural hydrologic regime, to promote infiltration, and to protect groundwater and surface water quality and quantity. The SWM site plan designer must proceed sequentially in accordance with Article III of this Ordinance.
- E. Stormwater drainage systems shall be designed in order to preserve natural flow conditions to the maximum extent practicable.
- F. Existing drainage discharge onto adjacent property shall not be altered in any manner without written permission from and a maintenance access agreement with, the affected property owner(s). Such discharge shall be subject to any applicable discharge criteria specified in this Ordinance and **still must meet the requirements of Act 167**. If
- G. Areas of existing diffused drainage discharge, whether proposed to be concentrated or maintained as diffused drainage areas, shall be subject to any applicable discharge criteria in the general direction of existing discharge, except as otherwise provided by this Ordinance. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other impacts will result from the concentrated discharge.
- H. Where a development site is traversed by a stream, drainage easements having a minimum width of 10 feet shall be provided on either side of, and conform to the line of such streams. Easements are to be maintained by the property owner. The Township shall have the right, but not the obligation to enter the easement for maintenance purposes.

- I. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., is encouraged where soil conditions permit in order to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- J. All stormwater runoff from new development or redevelopment shall be pretreated for water quality prior to discharge to surface or groundwater. Rooftop runoff may go directly to an infiltration BMP or be evapotranspired.
- K. All regulated activities within the Municipality shall be designed, implemented, operated, and maintained to meet the purposes of this Ordinance, through these two elements:
 - 1. Erosion and sediment control during earth disturbance activities (e.g., during construction), and
 - 2. Water quality protection measures after completion of earth disturbance activities (i.e., after construction), including operations and maintenance.
- L. The BMPs shall be designed, implemented, and maintained to meet state water quality requirements and any other more stringent requirements as determined by the Municipality.
- M. Post-construction water quality protection shall be addressed as required by Section 306.
- N. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article VII.
- O. All BMPs used to meet the requirements of this Ordinance shall conform to the state water quality requirements and any more stringent requirements as set forth by the Municipality.
- P. Techniques described in Appendix E (Low Impact Development) of this Ordinance shall be considered because they reduce the costs of complying with the requirements of this Ordinance and the state water quality requirements.
- Q. In selecting the appropriate BMPs or combinations thereof, the Applicant shall consider the following:
 - 1. Total contributing drainage area.
 - 2. Permeability and infiltration rate of the site's soils.
 - 3. Slope and depth to bedrock.
 - 4. Seasonal high water table.
 - 5. Proximity to building foundations and wellheads.
 - 6. Erodibility of soils.
 - 7. Land availability and configuration of the topography.
 - 8. Peak discharge and required volume control.
 - 9. Stream bank erosion.
 - 10. Efficiency of the BMPs to mitigate potential water quality problems.
 - 11. The volume of runoff that will be effectively treated.

12. The nature of the pollutant being removed.
 13. Maintenance requirements.
 14. Creation/protection of aquatic and wildlife habitat.
 15. Recreational value.
 16. Enhancement of aesthetic and property values.
- R. The design of all stormwater management facilities shall incorporate sound engineering principles and practices in a manner that does not aggravate existing stormwater problems. The Municipality reserves the right to disapprove any design that would result in construction in or continuation of a stormwater problem area.
- S. The applicant may meet the stormwater management criteria through off-site stormwater management measures as long as the proposed measures are in the same subwatershed as shown in Ordinance Appendix A.
- T. Stormwater Hotspots – Stormwater runoff from hotspots shall be pretreated prior to surface or groundwater infiltration to prevent pollutant runoff. Industrial sites referenced in 40 CFR 125 are examples of hotspots.

Below is a list of examples of 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 Classification Codes
- Marinas (service and maintenance areas)
- Outdoor liquid container storage
- Outdoor loading/unloading facilities
- Public works storage areas
- Facilities that generate or store hazardous materials
- Commercial container nursery
- Contaminated sites/brownfields
- Other land uses and activities as designated by an appropriate review authority

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)

While streets and highways (average daily traffic volume (ADT) greater than thirty thousand (30,000)) are not considered stormwater hotspots, it is important to ensure that highway stormwater management facilities are designed to adequately protect receiving streams and/or groundwater.

The Environmental Protection Agency's (EPA) NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

U. The following standards for protection of downgradient properties from off-site conveyance must be accomplished:

For any location where a new concentrated discharge of stormwater from any frequency rainfall event, up to and including the 100-year, 24-hour event, will flow onto a downgradient property, the following are required

1. A drainage easement (or other legal agreement/approval) must be obtained for conveyance of discharges onto or through adjacent properties.
2. The conveyance must be designed to avoid erosion, flooding, or other damage to the properties through which it is being conveyed.

Section 302. Permit Requirements by Other Governmental Entities

The following permit requirements may apply to certain regulated earth disturbance activities and must be met prior to commencement of regulated earth disturbance activities, as applicable:

- A. All regulated earth disturbance activities subject to permit requirements by PADEP under regulations at Title 25 Pennsylvania Code Chapter 102.
- B. Work within natural drainageways subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.
- D. Any stormwater management facility that would be located on or discharging to a state highway right-of-way, or require access to or from a state highway shall be subject to approval by PennDOT.
- E. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by PADEP under Title 25 Pennsylvania Code Chapter 105.

Section 303. 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 PADEP in compliance with Title 25 Chapter 102 of the Pennsylvania Code of an erosion and sediment control plan for construction activities if applicable.
- B. PADEP has regulations regarding an erosion and sediment control under Title 25 Pennsylvania Code Chapter 102.
- C. In addition, under Title 25 Pennsylvania Code Chapter 92, a PADEP "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 PADEP regional office or County Conservation District must be provided to the Municipality. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of subsection 403.A.
- E. A copy of the erosion and sediment control plan and any required permit, as required by PADEP 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. At a minimum, 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 304. Nonstructural Project Design Process (Sequencing to Minimize Stormwater Impacts)

The design of all regulated activities shall include the following to minimize stormwater impacts to reduce the surface discharge of stormwater, reduce the creation of unnecessary impervious surfaces, prevent the degradation of waters of the Commonwealth, and maintain as much as possible the natural hydrologic regime of the site.

- A. The Applicant shall apply Low Impact Development (LID) methods such as those listed in Appendix E, provided that use of this method does not conflict with other local codes.
- B. The Applicant shall demonstrate that the design process follows the sequence noted below. 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. The following items in this subsection shall be addressed prior to development of other stormwater management site plan design elements:
 - a. 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, and hydrologic soil groups. Land development, any existing recharge areas, and other requirements outlined in the municipal SALDO shall also be included.
 - b. Establish a stream buffer according to Section 306.C.
 - c. Prepare a draft project layout avoiding sensitive areas identified in Section 304.B.1.a.
 - d. Identify site-specific existing conditions drainage areas, discharge points, recharge areas, and hydrologic soil groups A and B (areas conducive to infiltration).
 - e. Evaluate nonstructural stormwater management alternatives:
 - i. Minimize earth disturbance.
 - ii. Minimize impervious surfaces.
 - iii. Break up large impervious surfaces.
 - f. Determine into what management district the site falls (Ordinance Appendix A), and conduct an existing conditions runoff analysis.
 2. The following items in this subsection may be addressed in any order provided that all items in Section 304.B.1 have been completed.

- a. Satisfy the infiltration objective (Section 305) and provide for stormwater pretreatment prior to infiltration.
- b. Provide for water quality protection in accordance with Section 306 water quality requirements.
- c. Provide stream bank erosion protection in accordance with Section 307 stream bank erosion requirements.
- d. 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.
- e. Conduct a proposed conditions runoff analysis based on the final design that meets the management district requirements (Section 308).
- f. Manage any remaining runoff prior to discharge through detention, bioretention, direct discharge, or other structural control.

Section 305. Infiltration Volume Requirements

Providing for infiltration consistent with the natural hydrologic regime is required. Design of the infiltration facilities shall consider infiltration to compensate for the reduction in the recharge that occurs when the ground surface is disturbed or impervious surface is created.

If it cannot be physically accomplished, then the design professional shall be responsible for demonstrating to the satisfaction of the municipality that this **cannot be physically accomplished on the site** (e.g., shallow depth to bedrock or limiting zone, open voids, steep slopes, etc. vs. a financial hardship as defined in Section 202). If it can be physically accomplished, the volume of runoff to be infiltrated shall be determined from Section 305.A.2 depending on demonstrated site conditions, and shall be the greatest volume that can be physically infiltrated. For example:

- Any applicant (developer or redeveloper) shall first attempt to infiltrate the volume required in Section 305.A.2.a.
- If the Section 305.A.2.a requirement cannot be physically accomplished, then the applicant is required to attempt to infiltrate the volume required in Section 305.A.2.b.
- Finally, if the 305.A.2.b infiltration volume cannot be physically accomplished, the applicant must, at a minimum, infiltrate the volume required in 305.A.2.c

A. Infiltration BMPs shall meet the following minimum requirements:

1. Infiltration BMPs intended to receive runoff from developed or redeveloped 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 depth of twenty-four (24) inches between the bottom of the BMP and the top of the limiting zone.
 - b. An infiltration rate sufficient to accept the additional stormwater volume and dewater completely as determined by field tests conducted by the Applicant's design professional.
 - c. The infiltration facility shall be capable of completely draining the retention (infiltration) volume (Re_v) within three (3) days (72 hours) from the end of the design storm.
2. The size of the infiltration facility and Re_v shall be based upon the following volume criteria:
- a. Modified Control Guideline One (MCG-1) of the *Pennsylvania Stormwater Best Management Practices* (PA BMP) Manual – The retention (infiltration) volume (Re_v) to be captured and infiltrated shall be the net 2-year 24-hour volume. The net volume is the difference between the post-development runoff volume and the pre-development runoff volume. 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. For modeling purposes, existing (pre-development) non-forested pervious areas must be considered meadow in good condition or its equivalent, and twenty (20) percent of existing impervious area, when present, shall be considered meadow in good condition.
 - b. Infiltrating the entire Re_v volume in Section 305.A.2.a (above) may not be feasible on every site due to site-specific limitations such as shallow depth to bedrock or the water table. If it **cannot be physically accomplished**, then the following criteria from Modified Control Guideline Two (MCG-2) of the PA BMP Manual must be satisfied:

At least the **first one-inch (1.0")** of runoff from new or replacement impervious surfaces shall be infiltrated.

$$Re_v = 1 \text{ (inch)} * \text{ impervious area (square feet)} \div 12 \text{ (inches)} = \text{cubic feet (cf)}$$

An asterisk (*) in equations denotes multiplication.

- c. Only if infiltrating the entire Re_v volume in Section 305.A.2.b (above) **cannot be physically accomplished**, then the following minimum criteria from Modified Control Guideline Two (MCG-2) of the PA BMP Manual must be satisfied:

Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire water quality volume (WQv) (Section 306.A); however, in all cases at least the **first one-half inch (0.5")** of the WQv shall be infiltrated.

The minimum infiltration volume (Re_v) required would, therefore, be computed as:

$$Re_v = I * \text{impervious area (square feet)} \div 12 \text{ (inches)} = \text{cubic feet (cf)}$$

An asterisk (*) in equations denotes multiplication.

Where:

I = The maximum equivalent infiltration amount (inches) that the site can physically accept or 0.50 inch, whichever is greater.

The retention volume values derived from the methods in Section 305.A.2.a, 305.A.2.b, or 305.A.2.c is the minimum volume the Applicant must control through an infiltration BMP facility. If site conditions preclude capture of runoff from portions of the impervious area, the infiltration volume for the remaining area should be increased an equivalent amount to offset the loss.

Only if the minimum of 0.50 inch of infiltration requirement **cannot be physically accomplished**, a waiver from Section 305, Infiltration Volume Requirements is required from the Municipality.

- 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 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.
- C. Infiltration facilities should, to the greatest extent practicable, be located to avoid introducing contaminants via groundwater, and be in conformance with an approved source water protection assessment or source water protection plan.

- D. Roadway drainage systems should provide an opportunity to capture accidental spills. Road de-icing material storage facilities shall be designed to avoid salt and chloride runoff from entering waterways and infiltration facilities. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration facility and perform a hydrogeologic justification study if necessary.
- E. The antidegradation analysis found in Chapter 93 shall be applied in HQ or EV streams.
- F. An impermeable liner will be required in detention basins where the possibility of groundwater contamination exists. The Municipality may require a detailed hydrogeologic investigation.
- G. The applicant should provide safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.

Section 306. Water Quality Requirements

The Applicant shall comply with the following water quality requirements of this Article.

To control post-construction stormwater impacts from regulated activities and conform to state water quality requirements, BMPs which replicate pre-development stormwater infiltration and runoff conditions must be provided in the site design such that post-construction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. This may be achieved by the following:

1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 2. Treatment: use of water quality treatment BMPs to provide filtering of chemical and physical pollutants from the stormwater runoff, and
 3. Stream bank and stream bed protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- A. Developed areas shall provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The infiltration volume computed under Section 305 may be a component of the water quality volume if the Applicant chooses to manage both components in a single facility. If the calculated water quality volume (WQv) is greater than the volume required to be infiltrated as described in Section 305.A.2, then the difference between the two volumes shall be treated for water quality by an acceptable stormwater management practice(s). The required water quality volume (WQv) is the storage capacity needed to capture and treat a portion of stormwater runoff from the developed areas of the site.

To achieve this requirement, the following criterion is established:

From Control Guideline (CG-1) in the PA BMP Manual, the water quality volume shall be the net 2-year 24-hour volume. The net volume is the difference between the post-development runoff volume and the pre-development runoff volume. 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. For modeling purposes, existing (pre-development) non-forested pervious areas must be considered meadow in good condition or its equivalent, and twenty (20) percent of existing impervious area, when present, shall be considered meadow in good condition.

This volume requirement can be managed by the permanent volume of a wet basin or the detained volume from other BMPs. Where appropriate, wet basins shall be utilized for water quality control and shall follow the guidelines of the PA BMP manual referenced in Ordinance Appendix G.

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). The design of the facility shall provide for protection from clogging and unwanted sedimentation.

- B. The temperature of receiving waters shall be protected through the use of BMPs that moderate temperature.
- C. If a perennial or intermittent stream passes through, or a waterbody (i.e., lake, pond, wetland) is present on the site, the Applicant shall create a riparian buffer extending a recommended 150 feet and at least a minimum of 50 feet, with the approval of the EAC, Engineer, or other chosen party, to either side of the top-of-bank of the channel, lake, or wetland. The buffer area shall be planted with native vegetation and maintained in a vegetated state (Refer to Appendix B, Pennsylvania Native Plant List, contained in the PA BMP Manual).
 - 1. The following provisions also apply to riparian buffers on residential lots of less than one acre in existence at the time of adoption of this Ordinance:
 - a. If the applicable rear or side yard setback is less than fifty feet the buffer width may be reduced to twenty-five (25) percent of the setback or twenty-five (25) feet, whichever is greater.
 - b. If a stream traverses a site in a manner that significantly reduces the use of the site, the buffer may be either:
 - i. Reduced to twenty-five (25) feet on either side, with municipal approval, or
 - ii. Reduced to ten (10) feet with municipal waiver
 - 2. Permitted uses within the buffer include the following, subject to municipal approval and provided that they comply with all federal, state, and local regulations:
 - a. Recreational trails. See Ordinance Appendix J Riparian Buffer Trail Guidelines
 - b. Utility rights-of-way
 - c. Bridges
 - d. Other uses subject to municipal approval

- D. 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.

Section 307. Stream Bank Erosion Requirements

- A. In addition to controlling the water quality volume (in order to minimize the impact of stormwater runoff on downstream stream bank erosion), the primary requirement to control stream bank erosion 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) to release the proposed conditions 1-year storm for a minimum of twenty-four (24) hours from a point in time when the maximum volume of water from the 1-year storm is stored in a proposed BMP (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. When the calculated orifice size is below three (3) inches, gravel filters (or other methods) are recommended to discharge low-flow rates subject to the municipal engineer's satisfaction. When filters are utilized, maintenance provisions shall be provided to ensure filters meet the design function. All facilities shall make use of measures to extend the flow path and increase the travel time of flows in the facility.

Section 308. Stormwater Peak Rate Control

- A. Each watershed has been divided into either stormwater management districts or release rate districts as shown on the respective Management District or Release Rate Maps in Appendix A.
1. In addition to the watershed-specific requirements specified in Tables 308.1 and 308.2 below, the erosion and sedimentation control (Section 303), the nonstructural project design (Section 304), the infiltration (Section 305), the water quality (Section 306), and the stream bank erosion (Section 307) requirements shall be implemented.
 2. Standards for managing runoff from each subarea in a watershed for the 2-, 5-, 10-, 25-, 50-, and 100-year design storms are shown in Tables 308.1 and 308.2. Development sites located in each of the management/release rate districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms in accordance with the Tables.
- 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 A) and this section of the Ordinance.

- 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 A. 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 SWM site plan.
- D. Sites Located in More than One (1) District or Watershed - For a proposed development site located within two (2) or more stormwater management district subareas, the peak discharge rate from any subarea shall meet the management district criteria for which the discharge is located. The natural hydrology of each respective subarea shall be maintained, and drainage shall not be redirected from one subarea to another. Under circumstances where the Applicant shows this cannot be accomplished, a waiver is required by the Municipality.

TABLE 308.1

PEAK RATE CONTROL STANDARDS IN THE CRUM CREEK WATERSHED

District	Proposed Condition Design Storm	(reduce to)	Existing Condition Design Storm
A	2-year		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		1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
	50-year		25-year
	100-year		100-year

**TABLE 308.2
PEAK RATE CONTROL STANDARDS IN THE
RIDLEY CREEK WATERSHEDS**

Proposed Condition Design Storm	Reduce to	Existing Condition Design Storm
2 - year		1 - year
5 - year		5 - year
10 - year		10 - year
25 - year		25 - year
50 - Year		50 - year
100 - year		100 - year

- 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. 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 peak rate control standards noted above. Unimpacted areas for which the discharge point has not changed are not subject to the peak rate control standards.

G. Hardship Option for regulated activities less than one acre - There may be certain instances, where the peak rate criteria are too restrictive for a particular landowner or Applicant. The existing drainage network in some areas may be capable of safely transporting slight increases in flows without causing a problem or increasing flows elsewhere. This must be demonstrated as per Section 308.H below in order for the hardship option to be considered. If an Applicant or homeowner cannot meet the stormwater standards due to lot conditions or if conformance would become a hardship to an owner, the hardship option may be applied. The Applicant would have to plead his/her case to the Governing Body with the final determination made by the Municipality. Any landowners pleading the "hardship option" will assume all liabilities that may arise due to exercising this option. Cost or financial burden cannot be considered as a hardship. The Applicant may consider off-site management controls or contributing to the Municipal Stormwater Control and BMP Operation and Maintenance Fund (Section 708) as long as the stormwater management controls are within the same subwatershed.

H. "Downstream Hydraulic Capacity Analysis" - Any downstream capacity hydraulic analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow

rates:

1. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year storm event within their banks at velocities consistent with protection of the channels from erosion. Velocities shall be based upon criteria and methodologies acceptable to the municipality.
2. Natural or man-made channels or swales must be able to convey increased 25-year storm event runoff without creating any increased hazard to persons or property.
3. Culverts, bridges, storm sewers or any other hydraulic facilities which must pass or convey flows from the tributary area must be designed in accordance with PADEP Chapter 105 regulations (if applicable) and, at a minimum, pass the increased 25-year storm event runoff.
4. Water quality requirements defined in Section 307 must be met.
5. Post construction peak rates shall not exceed the existing peak rates for the respective subarea.

- I. 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 Nether Providence Township;
 1. Meet the full requirements specified by Tables 308.1 and 308.2 and Sections 308.A through 308.H, or
 2. Reduce the total impervious surface on the site by at least twenty percent (20%); based upon a comparison of existing impervious surface to proposed impervious surface. In this case, calculations must be provided that show the peak rate has not increased.

Section 309. Calculation Methodology

- A. Stormwater runoff from all development sites with a drainage area of greater than five (5) acres shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 309.1 summarizes acceptable computation methods. The method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The use of the Rational Method to estimate peak discharges for drainage areas greater than five (5) acres shall be permitted only upon approval of the municipality.

TABLE 309.1

**ACCEPTABLE COMPUTATION METHODOLOGIES FOR
SWM SITE PLAN**

METHOD	DEVELOPED BY	APPLICABILITY
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans where limitations described in TR-55.
HEC-1/ HEC-HMS	US Army Corps of Engineers	Applicable where use of a full hydrologic computer model is desirable or necessary.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites up to five (5) acres, or as approved by the Municipality and/or municipal Engineer.
Other Methods	Varies	Other computation methodologies approved by the Municipality and/or municipal Engineer.

B. All calculations consistent with this Ordinance using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms. Rainfall depths shall be according to NOAA Atlas 14 values consistent with a partial duration series. When stormwater calculations are performed for routing procedures or water quality functions, the duration of rainfall shall be twenty-four (24) hours.

C. The following criteria shall be used for peak rate runoff calculations:

1. For development sites not considered redevelopment, the ground cover used in determining the existing conditions flow rates shall be as follows:
 - a. Wooded sites shall use a ground cover of “woods in good condition.” Portions of a site having more than one viable tree measuring a diameter at breast height (DBH) of six (6) inches or greater per fifteen hundred (1,500) square feet shall be considered wooded where such trees existed within three (3) years of application.
 - b. The undeveloped portion of the site including agriculture, bare earth, and fallow ground shall be considered as “meadow in good condition,” unless the natural

ground cover generates a lower curve (CN) number or Rational "c" value (i.e., woods) as listed in Tables F-1 or F-2 in Appendix F of this Ordinance.

2. For redevelopment sites, the ground cover used in determining the existing conditions flow rates for the developed portion of the site shall be based upon actual land cover conditions.
- D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration (duration) and storm events with rainfall intensities obtained from NOAA Atlas 14 partial duration series estimates, or the latest version of the PennDOT Drainage Manual (PDM Publication 584). Times-of-concentration shall be calculated based on the methodology recommended in the respective model used. Times of concentration for channel and pipe flow shall be computed using Manning's equation.
- E. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table F-1 in Appendix F of this Ordinance.
- F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table F-2 in Appendix F of this Ordinance.
- G. Hydraulic computations to determine the capacity of pipes, culverts, and storm sewers shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Design Series Number 5 (Publication No. FHWA-NHI-01-020 HDS No. 5). Hydraulic computations to determine the capacity of open channels shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Engineering Circular Number 15 (Publication No. FHWA-NHI-05-114 HEC 15). Values for Manning's roughness coefficient (n) shall be consistent with Table F-3 in Appendix F of the Ordinance.
- H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.
- I. 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 an acceptable method. 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.

Section 310. Other Requirements

- A. All wet basin designs shall incorporate biologic controls consistent with the West Nile Guidance found in Appendix H, PADEP document 363-0300-001 "Design Criteria – Wetlands Replacement/Monitoring," or contact the Pennsylvania State Cooperative

Wetland Center (www.wetlands.psu.edu/) or the Penn State Cooperative Extension Office (www.extension.psu.edu/extmap.html).

- B. Any stormwater basin required or regulated by this Ordinance designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to handle flow up to and including the 100-year proposed conditions. The height of embankment must provide a minimum 1.0 foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety. Chapter 105 may require the passing of storms larger than 100-year event.
- C. Any drainage conveyance facility and/or channel not governed by Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year storm event. The larger the events (50-year and 100-year) must also be safely conveyed in the direction of natural flow without creating additional damage to any drainage structures, nearby structures, or roadways.
- D. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from the facility.
- E. Roadway crossings or structures located within designated floodplain areas must be able to convey runoff from a 100-year design storm consistent with Federal Emergency Management Agency National Flood Insurance Program – Floodplain Management Requirements.
- F. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- G. Adequate erosion protection and energy dissipation shall be provided along all open channels and at all points of discharge. Design methods shall be consistent with the Federal Highway Administration Hydraulic Engineering Circular Number 11 (Publication No. FHWA-IP-89-016) and the PADEP Erosion and Sediment Pollution Control Program Manual (Publication No. 363-2134-008).

**ARTICLE IV – STORMWATER MANAGEMENT (SWM)
SITE PLAN REQUIREMENTS**

Section 401. 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, or the commencement of any earth disturbance activity may not proceed until the property owner, Applicant, or his/her agent has received written approval of a SWM site plan from the Municipality and an adequate erosion and sediment control plan review by the Conservation District unless the project qualifies for an exemption in Section 106.

Section 402. SWM Site Plan Contents

The SWM site plan shall consist of a general description of the project including sequencing items described in Section 304, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment 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, when applicable:

A. General

1. General description of the project, including those areas described in Section 304.B.
2. General description of proposed permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
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.
5. A general description of proposed nonpoint source pollution controls.
6. The SWM Site Plan Application and completed fee schedule form and associated fee (Ordinance Appendix C-1).
7. The SWM Site Plan Checklist (Appendix C-2).

B. Maps

Map(s) of the project area shall be submitted on 24-inch x 34-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 Delaware 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. In areas of slopes greater than 20 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 would be added.
8. Proposed structures, roads, paved areas, and buildings.
9. Final contours at intervals of two (2) feet. In areas of steep slopes greater than 20 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.
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 that would 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 SWM site plan must be approved by the Municipality, and that a revised erosion and sediment control plan must be submitted to the Conservation District for a determination of adequacy.
23. The following signature block for the Design Engineer:

“I, (Design Engineer), on this date (date of signature), hereby certify that the SWM site plan meets all design standards and criteria of the Nether Providence Township Stormwater Management Ordinance.” [*Note: license stamp should be included here*]

C. Supplemental information to be submitted to the Municipality:

1. A written description of the following information shall be submitted by the Applicant and shall include:
 - a. The overall stormwater management concept for the project designed in accordance with Section 304.
 - b. Stormwater runoff computations as specified in 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 plan in accordance with Section 702 of this Ordinance.
2. An erosion and sediment 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. A Declaration of Adequacy and Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) District office when utilization of a PennDOT storm drainage system is proposed.

D. Stormwater Management Facilities

1. All stormwater management facilities must be located on a plan and described in detail.
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, loading ratios (guidelines presented in the PA BMP Manual), and criteria used in the design of the stormwater management facilities must be shown.

Section 403. Plan Submission

The Municipality shall require receipt 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, if applicable:
 1. NPDES Permit for Stormwater Discharges from Construction Activities
 2. PADEP permits as needed
 - a. PADEP Joint Permit Application
 - b. Chapter 105 (Dam Safety and Waterway Management)
 - c. Chapter 106 (Floodplain Management)
 3. PennDOT Highway Occupancy Permit

4. Any other permit under applicable state or federal regulations
- B. The plan shall be coordinated with the state and federal permit process and the municipal SALDO review process. The process implementing the provisions in this Ordinance is illustrated in Appendices D-1 and D-2.
- C. For projects that require SALDO approval, the SWM site plan shall be submitted by the Applicant as part of the preliminary plan submission where applicable for the regulated activity.
- D. For regulated activities that do not require SALDO approval, see Section 301, General Requirements.
- E. Five (5) copies of the SWM site plan shall be submitted by the applicant for review in accordance with established criteria and procedures:
 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.
- F. 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.

Section 404. Stormwater Management (SWM) Site Plan Review

- A. SWM plans shall be submitted to the municipality for review by the municipal engineer for consistency with this Ordinance and the respective Act 167 Stormwater Management Plan. Any plan found incomplete may not be accepted for review and may be returned to the Applicant. The municipal Engineer will review the SWM site plan for any subdivision or land development against the municipal SALDO provisions not otherwise superseded by this Ordinance.
- B. The applicant shall respond to the Conservation District comments on the SWM site plan prior to being considered for final approval by the Municipality.
- C. For activities regulated by this Ordinance (Section 105), the municipal Engineer will notify the Applicant and the Municipality in writing, with a copy to the Building Permit Officer, within 30 calendar days, whether the SWM site plan is consistent with the stormwater management plan.
 1. If the municipal Engineer determines that the SWM site plan is consistent with the stormwater management ordinance, the municipal Engineer will forward a letter of consistency to the municipality, who will then forward a copy to the Applicant.

2. If the municipal Engineer determines that the SWM site plan is inconsistent or noncompliant with the stormwater management ordinance, the municipal Engineer will forward a letter to the municipality, with a copy to the Applicant citing the reason(s) and specific Ordinance sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with the stormwater management plan. Any SWM site plans that are inconsistent or noncompliant may be revised by the Applicant and resubmitted when consistent with this Ordinance.
- D. For regulated activities under this Ordinance that require an NPDES Permit Application, the Applicant shall forward a copy of the municipal Engineer's letter stating that the SWM site plan is consistent with the stormwater management ordinance to the Conservation District. PADEP and the Conservation District may consider the municipal Engineer's review comments in determining whether to issue a permit.
 - E. The Municipality will not grant preliminary or final approval to any subdivision or land development for regulated activities specified in this Ordinance if the SWM site plan has been found by the municipal Engineer to be inconsistent with the stormwater management ordinance. All required permits from PADEP must be obtained prior to approval of any subdivision or land development.
 - F. No building permits for any regulated activity specified in this Ordinance will be approved by the Municipality if the SWM site plan has been found to be inconsistent with the stormwater management ordinance, as determined by the municipal Engineer and Conservation District, or without considering the comments of the municipal Engineer and Conservation District. All required permits from PADEP must be obtained prior to issuance of a building permit.
 - G. The Applicant shall be responsible for completing record drawings of all stormwater management facilities included in the approved SWM site plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the municipal Engineer for final approval. In no case will the Municipality approve the record drawings until the Municipality receives a copy of an approved Declaration of Adequacy and/or Highway Occupancy Permit from the PennDOT District office, NPDES Permit, and any other applicable permits or approvals from PADEP or the Conservation District. The above permits and approvals must be based on the record drawings.
 - H. The Municipality's approval of a SWM site plan shall be valid for a period not to exceed 5 years commencing on the date that the Municipality signs the approved SWM site plan. If stormwater management facilities included in the approved SWM site plan have not been constructed, or if constructed, record drawings of these facilities have not been approved within this 5 year time period, then the Municipality may consider the SWM site plan inconsistent or noncompliant and may revoke any and all permits. SWM site plans that are determined to be inconsistent or noncompliant by the Municipality shall be resubmitted in accordance with Section 406 of this Ordinance.

Section 405. Revision of Plans

- A. A revision to a submitted SWM site plan under review by the Municipality for a development site that involves the following shall require a resubmission to the Municipality of a revised SWM site plan consistent with Section 403 of this Ordinance and be subject to review as specified in Section 404 of this Ordinance:
1. Change in stormwater management facilities or techniques,
 2. Relocation or redesign of stormwater management facilities, or
 3. Is necessary because soil or other conditions are not as stated on the SWM site plan as determined by the municipal Engineer.
- B. A revision to an already approved or inconsistent or noncompliant SWM site plan shall be submitted to the Municipality, accompanied by the applicable municipal review and inspection fee. A revision to a SWM site plan for which a formal action has not been taken by the Municipality shall be submitted to the Municipality accompanied by the applicable municipal review and inspection fee.

Section 406. Resubmission of Inconsistent or Noncompliant SWM Site Plans

An inconsistent or noncompliant SWM site plan may be resubmitted with the revisions addressing the municipal Engineer's concerns documented in writing. It must be addressed to the municipality in accordance with Section 403 of this Ordinance, distributed accordingly, and be subject to review as specified in Section 404 of this Ordinance. The applicable municipal review and inspection fee must accompany a resubmission of an inconsistent or noncompliant SWM site plan.

ARTICLE V – INSPECTIONS

Section 501. Inspections

- A. The municipal Engineer or his municipal designee shall inspect all phases of the installation of the permanent BMPs and/or stormwater management facilities as deemed appropriate by the municipal Engineer.
- B. During any stage of the work, if the municipal Engineer or his municipal designee determines that the permanent BMPs and/or stormwater management facilities are not being installed in accordance with the approved stormwater management plan, the Municipality may revoke 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 stormwater management facilities shall be conducted by the municipal Engineer or his municipal designee to confirm compliance with the approved SWM site plan prior to the issuance of any occupancy permit.

Section 502. As-built Plans, Completion Certificate, and Final Inspections

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM site plan for activities involving proposed impervious surfaces 1,000 sq. ft. or greater and for earth disturbances 5,000 sq. ft. or greater. For activities involving less than 1,000 sq. ft. of proposed impervious surfaces, a red-lined as-built plan shall be submitted. The as-built plans and all explanation of any discrepancies with the construction plans shall be submitted to the Municipality within three (3) months of the completion of construction of the SWM BMPs.
- B. As-built plans shall show the location and as-built conditions of all SWM BMP structures and include the following information: impervious surfaces included in the approved SWM site plan; topographic contours; and existing, proposed, and built impervious surfaces shown in the as-built drawings.
- C. The as-built submission shall include a certification of completion signed by a Design Professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications.
- D. The municipality will review the as-built submission for consistency with the approved SWM site plan as well as actual conditions at the project site. After receipt of the completion certification by the Municipality, the Municipality may conduct a final inspection.

ARTICLE VI – FEES AND EXPENSES

Section 601. Municipality SWM Site Plan Review and Inspection Fee

Fees have been 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 has been 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 shall at a minimum cover:

- A. Administrative costs.
- B. The review of the SWM site plan by the Municipality and the municipal Engineer.
- C. The site inspections.
- D. The inspection of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management 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 all activities requiring submittal of a SWM site plan, the Applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management facilities as:
 - 1. Required by the approved SWM site plan equal to or greater than the full construction cost of the required facilities, or
 - 2. The amount and method of payment provided for in the SALDO.
- B. For other regulated activities, the Municipality may require a financial guarantee from the Applicant.

Section 702. Responsibilities for Operations and Maintenance (O&M) of Stormwater Controls and BMPs

- A. The SWM site plan shall include a BMP operations and maintenance plan that describes how the permanent (e.g., post-construction) stormwater controls and BMPs will be properly operated, inspected, and maintained.
- B. Establish access easements that include all significant stormwater controls, conveyances, and BMPs, and indicate a 15-foot perimeter area surrounding these features that will provide the municipality sufficient ingress to and egress from a public right-of-way.
- C. The following items shall be included in the stormwater control and BMP operations and maintenance plan, as applicable:
 - 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 Delaware County, shall be submitted on 24 inch x 34 inch sheets or other sizes acceptable by the County. The contents of the maps(s) shall include, but not be limited to:
 - a. Clear identification of the location and nature of permanent 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. Access easement boundaries
2. A description of how each permanent stormwater control and BMP will be operated and maintained,
 3. The identity and contact information associated with the person(s) responsible for operations and maintenance,
 4. 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
 5. A statement, signed by the landowner, acknowledging that the stormwater controls and BMPs are fixtures that can be altered or removed only after approval by the Municipality.
- D. The stormwater control and BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater controls and BMPs, as follows:
1. If a plan includes structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Municipality, stormwater controls and BMPs may, at the Municipality's discretion, also be dedicated to and maintained by the Municipality;
 2. If a plan includes operations and maintenance by a single owner or if sewers and other public improvements are to be privately owned and maintained, the operations and maintenance of stormwater controls and BMPs shall be the responsibility of the landowner.
- E. The Municipality will make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and BMPs.

Section 703. Municipal Review of a Stormwater Control and BMP Operations and Maintenance Plan

- A. The Municipality will review the stormwater control and BMP operations and maintenance plan for consistency with this Ordinance and any permits issued by PADEP.
- B. The Municipality will notify the Applicant in writing whether or not the stormwater control and BMP operations and maintenance plan is approved.
- C. The Municipality will require an as-built plan per Section 502 showing all constructed stormwater controls and BMPs and an explanation of any discrepancies with the approved operations and maintenance plan.

Section 704. Adherence to an Approved Stormwater Control and BMP Operations and Maintenance Plan

It shall be unlawful to alter or remove any permanent stormwater control and BMP required by an approved stormwater control and BMP operations and maintenance plan or to allow the property to remain in a condition which does not conform to an approved stormwater control and BMP operations and maintenance plan.

Section 705. Operations and Maintenance Agreement for Privately Owned Stormwater Controls and BMPs

- A. Prior to final approval of the site's SWM site plan (including plans for private facilities constructed under the simplified method), the Applicant shall sign and record an operations and maintenance agreement with the Municipality covering all stormwater controls and BMPs that are to be privately owned (refer to Appendix I). The maintenance agreement shall be transferred with transfer of ownership in perpetuity. The agreement shall be substantially the same as the agreement in Appendix I of this Ordinance.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater controls and BMPs. The agreement shall be subject to the review and approval of the Municipality.

Section 706. Stormwater Management Easements

- A. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Municipality.
- B. Stormwater management easements shall be provided to the municipality by the Applicant or property owner for access for inspections and maintenance, the preservation of stormwater runoff conveyance, infiltration, and detention areas, and for other stormwater controls. The purpose of the easement shall be specified in any agreement under Section 705.

Section 707. Recording of an Approved Stormwater Control and BMP Operations and Maintenance Plan and Related Agreements

- A. The owner of any land upon which permanent stormwater controls and BMPs will be placed, constructed, implemented, or permanently maintained, as described in the stormwater control and BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for *[insert]* County, within fifteen (15) days of approval of the stormwater control and BMP operations and maintenance plan by the Municipality:
 - 1. The operations and maintenance plan, or a summary thereof,
 - 2. Operations and maintenance agreements under Section 705, and
 - 3. Easements under Section 706.
- 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.

Section 708. Municipal Stormwater Control and BMP Operation and Maintenance Fund

- A. Persons installing stormwater controls or BMPs shall be required to pay a specified amount to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
 - 1. If the stormwater control or BMP is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Municipality, as estimated by the municipal engineer, for a period of *[ten (10) or twenty five (25)]* years. This is to be paid in a manner specified by the municipality. After that period of time, inspections will be performed at the expense of the Municipality.
 - 2. If the stormwater control or BMP is to be owned and maintained by the Municipality, the deposit shall cover the estimated costs for maintenance and inspections for *[ten (10) or twenty five (25)]* years. The municipality will establish the estimated costs utilizing information submitted by the Applicant.
 - 3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The municipality shall determine the present worth equivalents, which shall be subject to the approval of the Governing Body.
- B. If a stormwater control or BMP is proposed that also serves as a recreational facility (e.g., ball field or lake), the Municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreational purpose.

- C. If at some future time, a stormwater control or BMP (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning or demolishing the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment or demolition will be used for inspection, maintenance, and operation of the receiving stormwater management system.
- D. If stormwater controls or BMPs are accepted by the Municipality for dedication, the Municipality may require persons installing stormwater controls or BMPs to pay a specified amount to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:
 - 1. The amount shall cover the estimated costs for operations and maintenance for ten (10) years, as determined by the Municipality.
 - 2. The amount shall then be converted to present worth of the annual series values.
- E. If a stormwater control or BMP is proposed that also serves as a recreational facility (e.g., ball field or lake), the Municipality may adjust the amount due accordingly.
- F. The Municipality may require Applicants to pay a fee to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to cover long-term maintenance of stormwater controls and BMPs.
- G. The Municipality may require Applicants to pay a fee to the Municipal Stormwater Control and BMP Operation and Maintenance Fund to cover stormwater related problems which may arise from the land development and earth disturbance.

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, stormwater discharges into the Municipality's separate storm sewer system that are not composed entirely of stormwater, except as provided in subsection C below, and 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 the Commonwealth:
 - 1. Discharges from fire fighting activities;
 - 2. Potable water sources including water line and fire hydrant flushings;
 - 3. Irrigation drainage;
 - 4. Routine external building washdown (which does not use detergents or other compounds);
 - 5. Air conditioning condensate;
 - 6. Water from individual residential car washing;
 - 7. Springs and water from crawl space pumps;
 - 8. Uncontaminated water from foundation or from footing drains;
 - 9. Flows from riparian habitats and wetlands;
 - 10. Lawn watering;
 - 11. Pavement washwaters 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;
 - 12. Uncontaminated groundwater;
 - 13. Dechlorinated swimming pool discharges.

- D. In the event that the Municipality determines that any of the discharges identified in Section 801.C significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Municipality will notify the responsible person to cease the discharge.
- E. Upon notice provided by the Municipality under Section 801.D, the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
- F. Nothing in this section shall affect a discharger's responsibilities under state law.

Section 802. Prohibited Connections

The following connections are prohibited, except as provided in Section 801.C above:

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

Section 803. Roof Drains and Sump Pumps

- A. Roof drains and sump pumps shall not be connected to sanitary sewers.
- B. Roof drains and sump pumps shall not be connected to streets, storm sewers, or roadside ditches except on a case by case basis as determined by the municipality.
- C. Roof drains and sump pumps shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable where advantageous to do so.

Section 804. Alteration of BMPs

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

- A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of the stormwater controls or BMPs in regard to any aspect governed by this Ordinance.
- B. Persons working on behalf of the Municipality shall have the right to temporarily locate on or in 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.
- C. If the property owner or representative does not grant access to the Municipality within 24 hours of notification, it will be a violation of this Ordinance.

Section 902. Public Nuisance

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

Section 903. Enforcement Generally

- 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 written notice to the responsible person. Such notice may, without limitation, require 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. Operation and maintenance of stormwater controls and BMPs.

- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee, and the expense thereof shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

Section 904. Suspension and Revocation of Permits and Approvals

- A. Any building, land development, or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
 - 1. Noncompliance with or failure to implement any provision of the permit;
 - 2. A violation of any provision of this Ordinance or any other law or regulation applicable to the regulated activity;
 - 3. The creation of any condition or the commission of any act during construction or development that constitutes or creates a hazard or nuisance, pollution, or endangers the life, health, or property of others.
- B. Prior to revocation or suspension of a permit and at the request of the Applicant, the Governing Body shall schedule a hearing to discuss the noncompliance if there is no immediate danger to life, public health, or property. The expense of a hearing shall be the Applicant's responsibility.
- C. A suspended permit or approval may be reinstated by the Municipality when:
 - 1. The municipal Engineer or designee has inspected and approved the corrections to the stormwater controls and BMPs or the elimination of the hazard or nuisance, and/or
 - 2. The Municipality is satisfied that the violation has been corrected.
- D. A permit or approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new permit in accordance with this Ordinance.

Section 905. Penalties

- A. Any person violating the provisions of this Ordinance shall be subject to a fine as established by the Municipality for each violation, recoverable with costs. Each

day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

- B. In addition, the Municipality may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Section 906. Notification

In the event that a person fails to comply with the requirements of this Ordinance or fails to conform to the requirements of any permit issued hereunder, and the Municipality chooses to pursue enforcement action, the Municipality will provide written notification of the violation. Such notification will state the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified will subject such person to the penalty provisions of this Ordinance. All such penalties will be deemed cumulative and shall not prevent the Municipality from pursuing any and all remedies. It shall be the responsibility of the owner of the real property on which any regulated activity is proposed to occur, is occurring, or has occurred to comply with the terms and conditions of this Ordinance.

Section 907. Enforcement

The municipal Governing Body is hereby authorized and directed to enforce all of the provisions of this Ordinance. All inspections regarding compliance with the SWM site plan shall be the responsibility of the municipality or its designee.

- A. A set of design plans approved by the Municipality shall be on file and available for viewing at the site throughout the duration of the construction activity. Periodic inspections may be made by the Municipality or its designee during construction.
- B. It shall be unlawful for any person, firm, or corporation to undertake any regulated activity under Section 105 on any property except as provided for in the approved SWM site plan and pursuant to the requirements of this Ordinance. It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this Ordinance or to allow the property to remain in a condition that does not conform to the approved SWM site plan.
- C. At the completion of the project and as a prerequisite for the release of the performance guarantee, the owner or his representatives shall:
 - 1. Provide a certification of completion from an engineer, architect, surveyor, or other qualified person verifying that all stormwater facilities have been constructed according to the plans and specifications and approved revisions thereto.

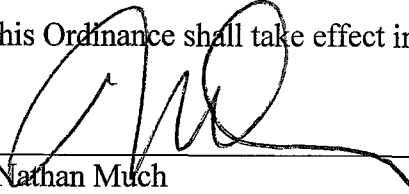
2. Provide a set of as-built (record) drawings per Section 502.
- D After receipt of the certification by the Municipality, a final inspection shall be conducted by the municipality or its designee to certify compliance with this Ordinance.
 - E An occupancy permit will not be issued unless the certification of completion pursuant to Section 907.C.1 has been secured. The occupancy permit shall be required for each lot owner and/or Applicant for all subdivisions and land developments in the Municipality.

Section 908. Appeals

- A. Any person aggrieved by any action of Nether Providence Township or its designee relevant to the provision of this Ordinance may appeal to the Nether Providence Township Board of Commissioners within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Nether Providence Township Board of Commissioners relevant to the provision of this Ordinance may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the municipal decision.

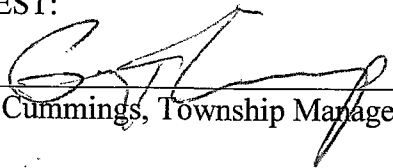
ENACTED and ORDAINED at a regular meeting of the
BOARD OF COMMISSIONERS on the 2nd of

AUGUST, 2012. This Ordinance shall take effect immediately.



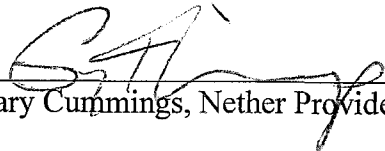
Nathan Much
President,
Nether Providence Board of Commissioners

ATTEST:



Gary Cummings, Township Manager

I hereby certify that the foregoing Ordinance was advertised in the
DELCO DAILY TIMES on 7/25, 2012, 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 AUGUST 2, 2012.



Gary Cummings, Nether Providence Township

ORDINANCE APPENDIX A

WATERSHED STORMWATER MANAGEMENT DISTRICT MAPS

Insert 11" x 17" Watershed Management District Maps Here

Ridley Creek Watershed Peak Rate Control Map

[Insert locally prepared map for portions of the municipality in the Ridley Creek watershed or reference the peak rate control map in the Ridley Creek plan]

Note: Areas with a 100% release rate need to follow the Delaware Direct peak rates – additional language may be needed to replace outdated Ridley peak rate requirements.

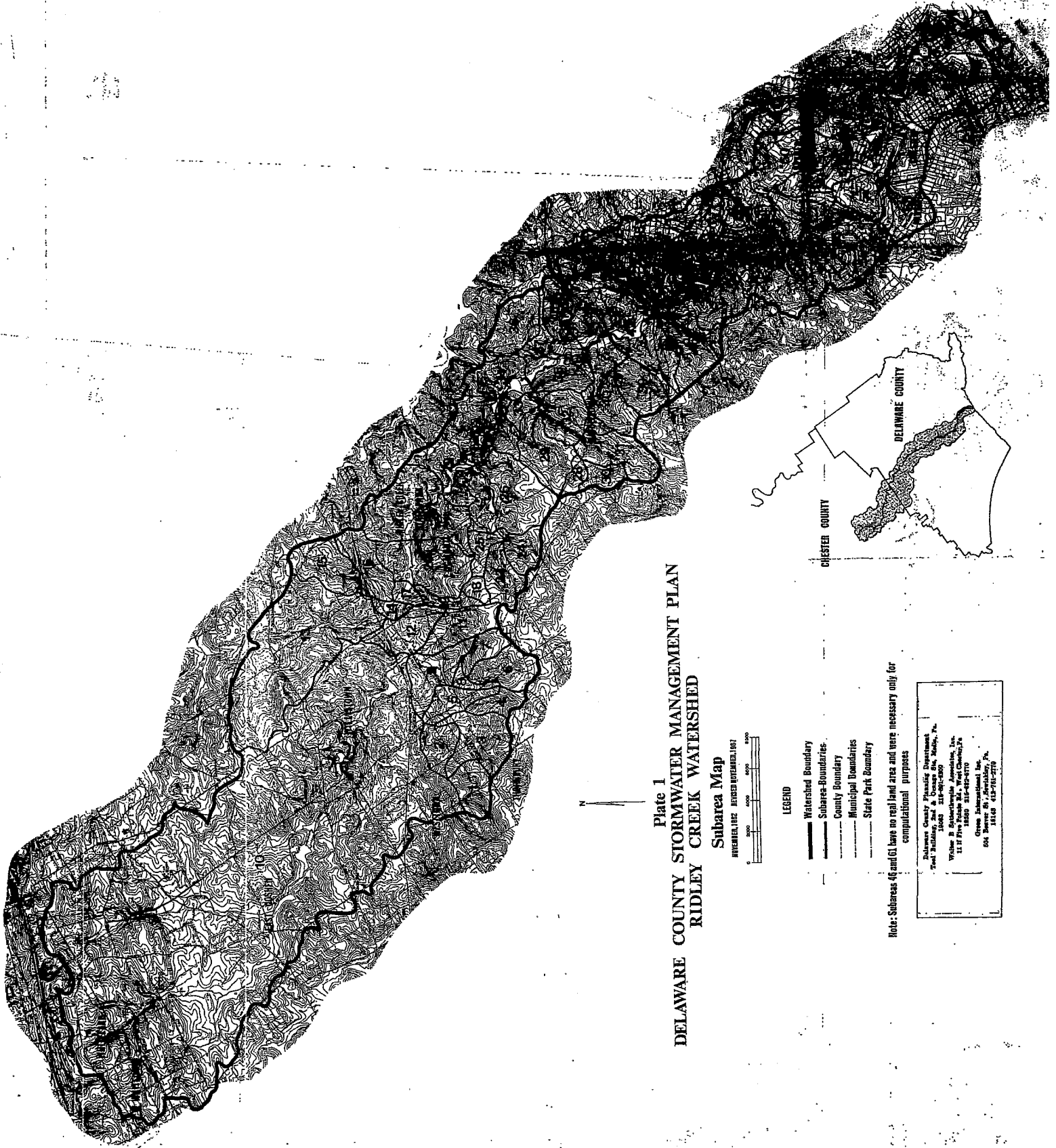


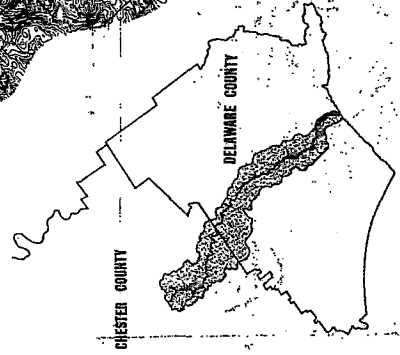
Plate 1
DELAWARE COUNTY STORMWATER MANAGEMENT PLAN
RIDLLEY CREEK WATERSHED
Subarea Map

VERTICAL, INC. 800-828-1101

- LEGEND**
- Watershed Boundary
 - Subarea-Boundaries
 - County Boundary
 - Municipal Boundaries
 - State Park Boundary

Note: Subareas 46 and 61 have no real land area and were necessary only for computational purposes

Delaware County Planning Department
 Test Building, 2nd & Duane Sts., Harrisburg, Pa.
 17103 717-651-2500
 Vertical, Inc.
 1117 First National Bldg., First National Bank
 18807 215-835-8770
 Green International, Inc.
 604 Beaver St., Harrisburg, Pa.
 17102 717-705-1170



ORDINANCE APPENDIX B

Simplified Approach to Storm Water Management for Small Projects

Applicability: Stormwater management procedures for projects with between five hundred (500) square feet and (999) square feet of proposed impervious area.

SIMPLIFIED APPROACH TO STORMWATER MANAGEMENT FOR SMALL PROJECTS

Introduction

The following procedures have been developed to allow homeowners to comply with stormwater management criteria for new projects to meet the requirements of the Act 167 Stormwater Management Ordinance of the Municipality including sizing, designing, locating, and installing on-lot measures, referred to herein as “Best Management Practices” (BMPs). Pennsylvania Act 167 was authorized on October 4, 1978 (32 P.S., P.L. 864) and gave Pennsylvania municipalities the power to regulate activities that affect stormwater runoff and surface and groundwater quantity and quality.

Individual home construction projects on single-family lots which result in between 500 square feet and 999 square feet of impervious area (including the building footprint, driveway, sidewalks, and parking areas) are not required to submit formal drainage plans to the Municipality or County; however, they are still required to address water quality and infiltration goals as outlined in this Simplified Approach document. If the guidelines presented in this brochure are followed, the individual homeowner will not require professional services to comply with these water quality and infiltration goals.

Section B.1 describes requirements and a simplified method for designing a suitable BMP, and a description of what needs to be included on the simple sketch plan. Section B.2 presents definitions of key terms. Section B.3 presents options of BMPs that can be considered for on-lot stormwater management. An example of how to obtain the size and dimensions of a BMP is explained in Section B.4. Section B.5 describes the requirements to be met for the modified Operation, Maintenance, and Inspection Plan.

The Simplified Approach requires:

- The first 1” of rainfall runoff from new impervious surfaces to be captured (see definition in Section B.2).

The purpose of this is to help reduce stormwater runoff in the community, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources and public safety.

What needs to be sent to the Municipality?

Even though a formal drainage plan is not required for individual lot owners, the Simplified Method worksheet found in Table B-4 and a simple sketch plan containing the features described in Step 5 of Section B.1 needs to be submitted to the Municipality, and if applicable, the contractor prior to construction. The Operation and Maintenance Agreement found in Section B.5 needs to be signed and submitted with the simple sketch plan to the Municipality for approval.

B.1 Determination of Simplified Approach Volume Requirements

All proposed impervious areas must be included in the determination of the amount of new impervious areas and the size of proposed BMPs needed to control stormwater. Proposed impervious areas on an individual residential lot include: roof area, pavement, sidewalks, driveways, patios, porches, permanent pools, or parking areas. Sidewalks, driveways, or patios that are constructed with gravel or pervious pavers that will not be converted to an impervious surface in the future need not be included in this calculation. Therefore, the amount of proposed impervious area can be reduced for proposed driveways, patios, and sidewalks through the use of gravel, pervious pavement, and turf pavers. All proposed impervious areas must be constructed so that runoff is conveyed to a BMP; no runoff can be directed to storm sewers, inlets, or other impervious areas (i.e., street).

In addition, the use of low impact development is recommended to further minimize the effect of the new construction on water, land, and air. Low impact development is a method of development that incorporates design techniques that include: minimizing the amount of land disturbance, reducing impervious cover, disconnecting gutters and directing runoff to vegetated areas to infiltrate, and redirecting the flow of runoff from impervious driveways to vegetated areas instead of to the street or gutter.

Below are the steps that must be undertaken to meet the Ordinance requirements. The results obtained for each step must be included in the Simplified Method Worksheet found in Table B-4:

STEP 1 – Determine the total area of all proposed impervious surfaces that will need to drain to one or more BMPs. Determine locations where BMPs need to be placed so that runoff from all of the proposed impervious surfaces can be captured. Select the BMPs to be used and determine the requirements of each from Section B.3. For instance, the back half of a garage may drain 200 square feet of roof to a rain barrel, and the front half of a garage may drain 200 square feet of roof and 540 square feet of driveway to a bioretention area. Then, obtain the required storage volume and surface area needed for each of the proposed BMPs from the appropriate heading below.

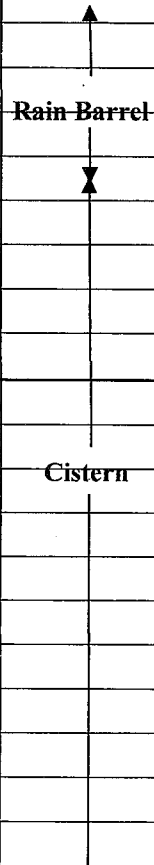
For Rain Barrels/Cisterns

STEP 2 –Select the proposed impervious area value in Column 1 of Table B-1 that is closest to, but not less than, the determined value.

STEP 3 – Determine the volume that needs to be provided in cubic feet and gallons to satisfy the volume requirements using Columns 2 and 3 in Table B-1.

Table B-1: Simplified Method - Calculating Rain Barrel/Cistern Storage Volume for 1" Rainfall¹

Column 1	Column 2	Column 3	
Proposed Impervious Area (square feet)	Volume of Rain Barrel/Cistern ² (cubic feet)	Volume of Rain Barrel/Cistern (gallons)	
<i>I</i>	V_{RBcf}	V_{RBgal}	
Sum of all Proposed Impervious Areas	$(1*(1/12)*I)/0.75 = V_{RBcf}$	$VRBcf * 7.48 = VRBgal$	
50	6	42	
100	11	83	
150	17	125	
200	22	166	
250	28	208	
300	33	249	
350	39	291	
400	44	332	
450	50	374	
500	56	416	
550	61	457	
600	67	499	
650	72	540	
700	78	582	
750	83	623	
800	89	665	
850	94	706	
900	100	748	
950	106	790	
999	111	830	



¹The typical volume of a rain barrel is between 50-200 gallons, so more than 1 rain barrel may be needed. Larger volumes may require a cistern.

²Assume that the rain barrel/cistern is 25% full

For Rain Gardens/Bioretention or Dry Well #1:

STEP 2 – Select the proposed impervious area value in Column 1 of Table B-2 that is closest to, but not less than, the determined value.

STEP 3 - Determine the volume that needs to be provided in cubic feet to satisfy the volume requirements using Column 2 in Table B-2.

STEP 4 – Using the value from Column 2 determined above, select the depth (D) of the proposed BMP, and then simply determine the surface area needed for that depth from Column 3 of Table B-2.

Note: The arrows under Column 3 in Table B-2 indicate which range of depths is appropriate for each BMP. To determine the depth based on the area, select an area that corresponds to the required volume that is closest to, but not more than the area to be used. To determine the area based on the depth, select a depth that is closest to, but not less than, the depth that is to be used.

ORDINANCE APPENDIX C – 1

SWM SITE PLAN APPLICATION

SWM SITE PLAN APPLICATION

(To be attached to the “land subdivision plan or development plan review application” or “minor land subdivision plan review application”)

Application is hereby made for review of the SWM Site Plan and related data as submitted herewith in accordance with the Nether Providence Township Stormwater Management Ordinance.

_____ Final Plan _____ Preliminary Plan _____ Sketch Plan

Date of Submission _____ Submission No. _____

1. Name of subdivision or development _____

2. Name of Applicant _____ Telephone No. _____

(if corporation, list the corporation’s name and the names of two officers of the corporation)

_____ Officer 1

_____ Officer 2

Address _____

Zip code _____

Applicant’s interest in subdivision or development
(if other than property owner, give owner’s name and address)

3. Name of property owner _____ Telephone No. _____

Address _____

Zip code _____

4. Name of engineer or surveyor _____ Telephone No. _____

Address _____

Zip code _____

5. Type of subdivision or development proposed:

_____ Single-family Lots _____ Townhouses _____ Commercial (Multi-lot)

- | | | |
|--|-------------------------|------------------------------|
| _____ Two-family Lots | _____ Garden Apartments | _____ Commercial (One Lot) |
| _____ Multi-family Lots | _____ Mobile Home Park | _____ Industrial (Multi-lot) |
| _____ Cluster Type Lots | _____ Campground | _____ Industrial (One Lot) |
| _____ Planned Residential
Development | _____ Other (_____) | |

6. Linear feet of new road proposed _____ L.F.

7. Area of proposed and existing impervious area on the entire tract.

- a. Existing (to remain) _____ S.F. _____ % of property
- b. Proposed _____ S.F. _____ % of property

8. Stormwater

a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for existing conditions for the designated design storm? _____

b. Design storm utilized (on-site conveyance systems) (24 hr.) _____
 No. of Subarea _____
 Watershed Name _____

Explain: _____

c. Does the submission and/or district meet the criteria for the applicable management district? _____

d. Subarea number(s) from Ordinance Appendix A of the respective watershed stormwater management plan or other subareas identified in other watershed stormwater management plans _____

e. Type of proposed runoff control _____

f. Does the proposed stormwater control criteria meet the requirements/guidelines of the Stormwater Ordinance? _____

If not, what variances/waivers are requested? _____

Reasons _____

g. Does the plan meet the requirements of Article III of the Stormwater Ordinance? _____

If not, what variances/waivers are requested? _____

Reasons why _____

h. Was TR-55, June 1986, utilized in determining the time of concentration? _____

i. What hydrologic method was used in the stormwater computations? _____

j. Is a hydraulic routing through the stormwater control structure submitted? _____

k. Is a construction schedule or staging attached? _____

l. Is a recommended maintenance program attached? _____

9. Erosion and Sediment Pollution Control (E&S):

a. Have the SWM site plan and E&S plan, supporting documentation, and narrative been submitted to the Delaware County Conservation District? _____

b. Total area of earth disturbance _____ S.F.

10. Wetlands

a. Have the wetlands been delineated by someone trained in wetland delineation? _____

b. Have the wetland lines been verified by a state or federal permitting authority? _____

c. Have the wetland lines been surveyed? _____

d. Total acreage of wetland within the property _____

e. Total acreage of wetland disturbed _____

f. Supporting documentation _____

11. Filing

a. Has the required fee been submitted? _____

Amount _____

b. Has the proposed schedule of construction inspection to be performed by the Applicant's engineer been submitted? _____

c. Name of individual who will be making the inspections _____

d. General comments about stormwater management at the development _____

CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DELAWARE.

On this the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who, being duly sworn according to law, deposes and says that _____ are owners of the property described in this application and that the application was made with _____ knowledge and/or direction and does hereby agree with the said application and to the submission of the same.

_____ Property Owner

My Commission Expires _____ 20____
Notary Public _____

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

SIGNATURE OF APPLICANT _____

(Information Below This Line To Be Completed By The Municipality)

_____ (Name of) Municipality official submission receipt:

Date complete application received _____ plan number _____

Fees _____ date fees paid _____ received by _____

Official submission receipt date _____

Received by _____

Municipality

PROPOSED SCHEDULE OF FEES

[Note: It is recommended that Municipalities adopt a fee schedule independent of the Ordinance so that fee schedules can be adjusted as need arises without having to go through the Ordinance revision public hearing process. This schedule of fees is to be submitted by the applicant with the land development plan]

Subdivision name _____ Submittal No. _____

Owner _____ Date _____

Engineer _____

- | | |
|--|----------|
| 1. Filing fee | \$ _____ |
| 2. Proposed land use | |
| 2a. Subdivision, campgrounds, mobile home parks, and multi-family dwelling where the units are located in the same local watershed | \$ _____ |
| 2b. Multi-family dwelling where the designated open space is located in a different local watershed from the proposed units | \$ _____ |
| 2c. Commercial/industrial | \$ _____ |
| 2d. Other | \$ _____ |
| 3. Relative amount of earth disturbance | |
| 3a. Residential | |
| road <500 l.f. | \$ _____ |
| road 500-2,640 l.f. | \$ _____ |
| road >2,640 l.f. | \$ _____ |
| 3b. Commercial/industrial and other | |
| impervious area <3,500 s.f. | \$ _____ |
| impervious area 3,500-43,560 s.f. | \$ _____ |
| impervious area >43,560 s.f. | \$ _____ |
| 4. Relative size of project | |
| 4a. Total tract area <1 ac. | \$ _____ |
| 1-5 ac. | \$ _____ |
| 5-25 ac. | \$ _____ |
| 25-100 ac. | \$ _____ |
| 100-200 ac. | \$ _____ |
| >200 ac. | \$ _____ |
| 5. Stormwater control measures | |
| 5a. Detention basins and other controls which require a review of hydraulic routings (\$ per control) | \$ _____ |

5b. Other control facilities which require storage volume calculations but no hydraulic routings (\$ per control)	\$ _____
6. Site inspection (\$ per inspection)	\$ _____
Total	\$ _____

All subsequent reviews shall be 25% of the amount of the initial review fee unless a new application is required as per Section 406 of the Stormwater Ordinance. A new fee shall be submitted with each revision in accordance with this schedule.

ORDINANCE APPENDIX C – 2

SWM SITE PLAN CHECKLIST



Delaware County Conservation District
Rose Tree Park – Hunt Club
1521 N. Providence Rd.
Media, PA 19063
Phone: 610-892-9484
Fax: 610-892-9489
Email: Info@delcocd.org

Project: _____
Municipality: _____
Engineer: _____
Submittal No: _____
Date: _____
Project ID: _____ (for County use ONLY)

ARTICLE I: GENERAL PROVISIONS

Reference: Section 105 Applicability/Regulated Activities

1. List all watersheds within which the proposed project is to take place:

2. Does the Proposed Project meet the definition of a "Regulated Activity" in any of the Stormwater Management Plans? Yes No

STOP – If you have checked NO for either of the above questions, you are not required to submit a SWM plan under the watershed's respective Stormwater Management Ordinance.

ARTICLE I: GENERAL PROVISIONS

Reference: Section 106 Exemptions

Note: Parent tract refers to the total parcel configuration on [*Insert date of ordinance adoption*], and includes any subdivision of lands which may have occurred after that date.

Parent Tract Area: _____ acres

Total Existing Impervious Area (as of [*Insert date of ordinance adoption*]): _____ acres

Total New Impervious Area (all Phases): _____ acres

Parcel IS Exempt

Parcel IS NOT Exempt

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 304 Nonstructural Project Design

1. Has an Existing Resource and Site Analysis Map (ERSAM) been prepared?

Yes No, Explain _____

ARTICLE III: STORMWATER MANAGEMENT (continued)

1. Are any of the following Environmentally Sensitive areas identified on site?

Steep Slopes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Ponds / Lakes / Vernal Pools	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Streams	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Wetlands	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Hydric Soils	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Floodplains	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Stream Buffer Zones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Hydrologic Soil Groups A or B	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Recharge Areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Others: _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

2. Does the site layout plan avoid Environmentally Sensitive Areas identified on site?

Yes No, Explain _____

3. Has a stream buffer been established per Section 306.C.?

Yes No, Explain _____

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 305 Infiltration

1. Is the proposed activity considered a "Stormwater Hotspot"? (Refer to Section 301.T) Yes
 No

2. Have provisions been installed to promote infiltration on site?

Yes No, Explain _____

3. Total Recharge Volume Required: _____ cubic feet (using: Modified CG-1; Modified CG-2)

4. How is the Required Recharge Volume being addressed?

- | | | | |
|--------------------------|---------------------|--------------------------|--------------|
| <input type="checkbox"/> | Infiltration Trench | <input type="checkbox"/> | Dry Swales |
| <input type="checkbox"/> | Infiltration Basin | <input type="checkbox"/> | Other: _____ |
| <input type="checkbox"/> | Bioretention | | |

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 306 Water Quality Requirements

1. Have provisions been installed to address stormwater runoff water quality on site?

- Yes No, Explain _____

2. Total Water Quality Volume Required: _____ acre feet

3. Is the site in a Special Protection watershed which includes Exceptional Value (EV) or High Quality (HQ) waters? Yes No

4. How is the Required Water Quality Volume being addressed?

- | | | | |
|--------------------------|------------------------------|--------------------------|----------------------|
| <input type="checkbox"/> | Wet Detention Basin | <input type="checkbox"/> | Sand Filter |
| <input type="checkbox"/> | Extended Dry Detention Basin | <input type="checkbox"/> | Constructed Wetlands |
| <input type="checkbox"/> | Bioretention | <input type="checkbox"/> | Other: _____ |

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 307 Stream Bank Erosion Requirements

1. Has the 2- year proposed conditions flow been reduced to the 1- year existing conditions flow?

- Yes No, Explain _____

2. Does the proposed conditions 1- year storm drain over a minimum 24- hour period?

- Yes No, Explain _____

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 308 Stormwater Peak Rate Control and Management Districts

1. In which of the following Stormwater Management District(s) is the site located?

- A Other _____
 B

ARTICLE III: STORMWATER MANAGEMENT (continued)

2. Does the Proposed Conditions Runoff meet the Criteria established in [Table 308.1, 2, 3, etc.]?

Yes No If you answered Yes, proceed. If you answered No, consult with Municipality.

a. Are you claiming "Hardship," as described in Section 308.G in lieu of meeting the requirements of this District?

Yes No, Explain _____

b. If you are claiming "Hardship," has a Downstream Impacts Evaluation been prepared in accordance with Section 308.H?

Yes No, Explain _____

ARTICLE III: STORMWATER MANAGEMENT

Reference: Section 309 Calculation Methodology

1. Which method(s) are utilized in the SWM site plan for computing stormwater runoff rates and volumes?

- TR-20 Rational Method
 TR-55 Other: _____
 HEC-1 / HEC-HMS

2. Was NOAA Atlas 14 utilized in rainfall determination?

Yes No, Explain _____

3. Was Table F-1 (Runoff Curve Numbers) or Table F-2 (Rational Runoff Coefficients) in Appendix F utilized in calculations for runoff?

Yes No, Explain _____

4. For any proposed stormwater detention facility, were the appropriate design storms routed through the facility using the Storage-Indication Method?

Yes No, Explain _____

ARTICLE III: STORMWATER MANAGEMENT (Continued)

Reference: Section 310 Other Requirements

1. Is this project subject to PENNDOT approval?

Yes No

a. If "YES," have these plans been forwarded to PENNDOT for review?

Yes No, Explain _____

2. Have proposed wet detention basins incorporated biologic control consistent with the West Nile Guidelines presented in Appendix H?

Yes No Not Applicable

3. Are any proposed stormwater facilities subject to PADEP Chapter 105 permitting?

Yes No

a. If "YES," have these plans been forwarded to PADEP for review?

Yes No, Explain _____

ARTICLE VII: MAINTENANCE RESPONSIBILITIES

Reference: Section 702 Responsibilities for Operations and Maintenance of Stormwater Controls/BMPs

1. Has a Stormwater Control and BMP Operations and Maintenance Plan been approved by the Municipality?

Yes No, Explain _____

2. Who shall assume responsibility for implementing the Stormwater Control and BMP Operations and Maintenance Plan?

Municipality

Homeowner Association

Private Owner

Other _____

ORDINANCE APPENDIX D

IMPLEMENTATION FLOW CHARTS

**Insert
Implementation Flowcharts
Here**

ORDINANCE APPENDIX E

LOW IMPACT DEVELOPMENT (LID) PRACTICES

LOW IMPACT DEVELOPMENT (LID) PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions can be altered radically by poorly planned development practices such as introducing unnecessary impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize proposed conditions runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all of those features. The following describes various techniques to achieve the alternative approach:

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern – streets and adjacent storm sewers are typically located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.
- **Protecting Natural Depression Storage Areas.** Depressional storage areas either have no surface outlet or drain very slowly following a storm event. They can be

commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.

- **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways, and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.
- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as a storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff and should help reduce concentration of runoff to a single point in the development.
- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connection of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.
- **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials who expect runoff to disappear shortly after a rainfall event.
- **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.
- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.

- **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
- **Reducing Building Setbacks.** Reducing building setbacks reduces impervious cover associated with driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings occurs with street length, which also will reduce costs of the development. Cluster development groups the construction activity in less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Benefits include reduced potential for downstream flooding and water quality degradation of receiving streams/water bodies, enhancement of aesthetics, and reduction of development costs. Other benefits include more stable baseflows in receiving streams, improved infiltration, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

ORDINANCE APPENDIX F

STORMWATER MANAGEMENT DESIGN CRITERIA

TABLE F-1

RUNOFF CURVE NUMBERS

LAND USE DESCRIPTION		HYDROLOGIC SOIL GROUP				
		Hydrologic Condition	A	B	C	D
Open Space						
	Grass cover < 50%	Poor	68	79	86	89
	Grass cover 50% to 75%	Fair	49	69	79	84
	Grass cover > 75%	Good	39	61	74	80
Meadow			30	58	71	78
Agricultural						
	Pasture, grassland, or range – Continuous forage for grazing	Poor	68	79	86	89
	Pasture, grassland, or range – Continuous forage for grazing	Fair	49	69	79	84
	Pasture, grassland, or range – Continuous forage for grazing	Good	39	61	74	80
	Brush—brush-weed-grass mixture with brush the major element	Poor	48	67	77	83
	Brush—brush-weed-grass mixture with brush the major element	Fair	35	56	70	77
	Brush—brush-weed-grass mixture with brush the major element	Good	30	48	65	73
Fallow Bare soil		-----	77	86	91	94
	Crop residue cover (CR)	Poor	76	85	90	93
		Good	74	83	88	90
Woods – grass combination (orchard or tree farm)						
		Poor	57	73	82	86
		Fair	43	65	76	82

	Good	32	58	72	79
Woods	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30	55	70	77
Commercial	(85% impervious)	89	92	94	95
Industrial	(72% impervious)	81	88	91	93
Institutional	(50% impervious)	71	82	88	90

Residential districts by average lot size:

	% Impervious				
1/8 acre or less * (townhouses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Farmstead		59	74	82	86
Smooth surfaces (concrete, asphalt, gravel, or bare compacted soil)		98	98	98	98
Water		98	98	98	98
Mining/newly graded areas (pervious areas only)		77	86	91	94

* Includes multi-family housing unless justified lower density can be provided.

Note: Existing site conditions of bare earth or fallow ground shall be considered as meadow when choosing a CN value.

TABLE F-3

MANNING'S ROUGHNESS COEFFICIENTS

Roughness Coefficients (Manning's "n") for Overland Flow

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

Roughness Coefficients (Manning's "n") for Channel Flow

Reach Description	n
Natural stream, clean, straight, no rifts or pools	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert, or channel	0.012
Corrugated metal pipe	0.012-
0.027 ⁽¹⁾	
High density polyethylene (HDPE) pipe	
Corrugated	0.021-
0.029 ⁽²⁾	
Smooth lined	0.012-
0.020 ⁽²⁾	

(1) Depending upon type, coating, and diameter

(2) Values recommended by the American Concrete Pipe Association, check manufacturer's

recommended value

Source: U.S. Army Corps of Engineers, HEC-1 Users Manual

Source: NRCS (SCS) TR-55

ORDINANCE APPENDIX G

REFERENCES

REFERENCES

BMP Manuals

California

California Stormwater BMP Handbook: New Development and Redevelopment (January 2003) – separate file available at <http://www.cabmphandbooks.org/Development.asp>

Georgia

Georgia Stormwater Management Manual Volume 2: Technical Handbook (August 2001)-separate file (<http://www.georgiastormwater.com/>)

Maryland

2000 Maryland Stormwater Design Manual –
[http://www.mde.state.md.us/Programs/Waterprograms/SedimentandStormwater/stormwater design/index.asp](http://www.mde.state.md.us/Programs/Waterprograms/SedimentandStormwater/stormwater%20design/index.asp)

Massachusetts

Stormwater Management, Volume Two: Stormwater Technical Handbook (Massachusetts, 1997) – separate file available at
<http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm>

Minnesota

Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates (July 2001) –
<http://www.metrocouncil.org/environment/Watershed/BMP/manual.htm>

New Jersey

Revised Manual for New Jersey: Best Management Practices for Control of Nonpoint Source Pollution from Stormwater (Fifth Draft May 2000) –
<http://www.state.nj.us/dep/watershedmgt/bmpmanual.htm>

New York

New York State Stormwater Management Design Manual (2001) –
<http://www.dec.state.ny.us/website/dow/swmanual/swmanual.html>

Pennsylvania

Pennsylvania Department of Environmental Protection *Pennsylvania Stormwater Best Management Practices Manual*, Pub. No. 363-0300-002, December 30, 2006

Washington

Stormwater Management Manual for Western Washington (August 2001) – <http://www.ecy.wa.gov/programs/wq/stormwater/manual.html>

Federal

Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring (FHWA) – <http://www.fhwa.dot.gov/environment/ultraurb/3fs1.htm>

USEPA Infiltration Trench Fact Sheet (September 1999) – <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/post.cfm>

Riparian Buffer References

Alliance for the Chesapeake Bay, Pennsylvania Department of Environmental Protection, September 2000. *Forest Buffer Toolkit*, Stream ReLeaf Program.

Penn State College of Agricultural Sciences, 1996. *Establishing Vegetative Buffer Strips Along Streams to Improve Water Quality*. Publication # AGRS-67.

Fike, Jean, June 1999. *Terrestrial & Palustrine Plant Communities of Pennsylvania*, Pennsylvania Natural Diversity Inventory, The Nature Conservancy, Western Pennsylvania Conservancy, and Pennsylvania Department of Conservation and Natural Resources.

Pennsylvania Association of Conservation Districts, Inc., Keystone Chapter, Soil and Water Conservation Society, Pennsylvania Department of Environmental Protection, Natural Resources Conservation Service, 1998. *Pennsylvania Handbook of Best Management Practices for Developing Areas*. Prepared by CH2MHill.

Palone, R. S. and A. H. Todd (eds), 1997. *Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers*. Chesapeake Bay Program and Northeastern Area State and Private Forestry. Natural Resources Conservation Service Cooperative State Research Education and Extension Services.

Rupprecht, R., Kilgore, C., and Gunther, R., “Riparian and Wetland Buffers for Water-Quality Protection.” *Stormwater* Nov.-Dec. 2009, Vol 10, No. 8: 46-51. Print.

The Federal Interagency Stream Restoration Working Group (FISRWG, 10/1998). *Stream Corridor Restoration Principles, Processes, and Practices*. GPO Item No. 0120-A; SuDocs No. A57.6/2:EN3/PT.653. ISBN-0-934213-59-3. Published October 1998. Revised August 2000.

ORDINANCE APPENDIX H

WEST NILE VIRUS GUIDANCE

WEST NILE VIRUS GUIDANCE

Source: Brodhead McMichaels Creeks Watershed Act 167 Stormwater Management Ordinance Final Draft 2/23/04

The Delaware County Conservation District recognizes the need to address the problem of nonpoint source pollution impacts caused by runoff from impervious surfaces. The new stormwater policy being integrated into Act 167 stormwater management regulations by the PA Department of Environmental Protection (PADEP) will make nonpoint pollution controls an important component of all future plans and updates to existing plans. In addition, to meet post-construction anti-degradation standards under the state National Pollutant Discharge Elimination System (NPDES) permitting program, applicants will be required to employ Best Management Practices (BMPs) to address nonpoint pollution concerns.

Studies conducted throughout the United States have shown that wet basins and in particular constructed wetlands are effective in traditional stormwater management areas such as channel stability and flood control and are one of the most effective ways to remove stormwater pollutants (United States Environmental Protection Agency 1991, Center for Watershed Protection 2000). From Maryland to Oregon, studies have shown that as urbanization and impervious surfaces increase in a watershed, the streams in those watersheds become degraded (CWP 2000). Although there is debate over the threshold of impervious cover when degradation becomes apparent (some studies show as little as 6% while others show closer to 20%), there is agreement that impervious surfaces cause nonpoint pollution in urban and urbanizing watersheds and that degradation is ensured if stormwater BMPs are not implemented.

Although constructed wetlands and ponds are desirable from a water quality perspective, there may be concerns about the possibility of these stormwater management structures becoming breeding grounds for mosquitoes. The Conservation District feels that although it may be a valid concern, **municipalities should not adopt ordinance provisions prohibiting wet basins for stormwater management.**

Mosquitoes

The questions surrounding mosquito production in wetlands and ponds have intensified in recent years by the outbreak of the mosquito-borne West Nile Virus. As is the case with all vector-borne maladies, the life cycle of West Nile Virus is complicated, traveling from mosquito to bird, back to mosquito, and then to other animals including humans. *Culex pipiens* was identified as the vector species in the first documented cases

from New York in 1999. This species is still considered the primary transmitter of the disease across its range. Today there are some 60 species of mosquitoes that inhabit Pennsylvania. Along with *C. pipiens*, three other species have been identified as vectors of West Nile Virus while four more have been identified as potential vectors.

The four known vectors in NE Pennsylvania are *Culex pipiens*, *C. restuans*, *C. salinarius*, and *Ochlerotatus japonicus*. All four of these species prefer, and almost exclusively use, artificial containers (old tires, rain gutters, birdbaths, etc.) as larval habitats. In the case of *C. pipiens*, the most notorious of the vector mosquitoes, the dirtier the water, the better they like it. The important factor is that these species do not thrive in functioning wetlands where competition for resources and predation by larger aquatic and terrestrial organisms is high.

The remaining four species, *Aedes vexans*, *Ochlerotatus Canadensis*, *O. triseriatus*, and *O. trivittatus*, are currently considered potential vectors due to laboratory tests (except the *O. trivittatus*, which did have one confirmed vector pool for West Nile Virus in PA during 2002). All four of these species prefer vernal habitats and ponded woodland areas following heavy summer rains. These species may be the greatest threat of disease transmission around stormwater basins that pond water for more than four days. This can be mitigated, however, by establishing ecologically functioning wetlands.

Stormwater Facilities

If a stormwater wetland or pond is constructed properly and a diverse ecological community develops, mosquitoes should not become a problem. Wet basins and wetlands constructed as stormwater management facilities should be designed to attract a diverse wildlife community. If a wetland is planned, proper hydrologic soil conditions and the establishment of hydrophytic vegetation will promote the population of the wetland by amphibians and other mosquito predators. In natural wetlands, predatory insects and amphibians are effective at keeping mosquito populations in check during the larval stage of development while birds and bats prey on adult mosquitoes.

The design of a stormwater wetland must include the selection of hydrophytic plant species for their pollutant uptake capabilities and for not contributing to the potential for vector mosquito breeding. In particular, species of emergent vegetation with little submerged growth are preferable. By limiting the vegetation growing below the water surface, larvae lose protective cover, and there is less chance of anaerobic conditions occurring in the water.

Stormwater ponds can be designed for multiple purposes. When incorporated into an open space design, a pond can serve as a stormwater management facility and a community amenity. Aeration fountains and stocked fish should be added to keep larval mosquito populations in check.

Publications from the PA Department of Health and the Penn State Cooperative Extension concerning West Nile Virus identify aggressive public education about the

risks posed by standing water in artificial containers (tires, trash cans, rain gutters, bird baths) as the most effective method to control vector mosquitoes.

Conclusion

The Conservation District understands the pressure faced by municipalities when dealing with multifaceted issues such as stormwater management and encourages the incorporation of water quality management techniques into stormwater designs. As Monroe County continues to grow, conservation design, infiltration, and constructed wetlands and ponds should be among the preferred design options to reduce the impacts of increases in impervious surfaces. When designed and constructed appropriately, the runoff mitigation benefits to the community from these design options will far outweigh their potential to become breeding grounds for mosquitoes.

ORDINANCE APPENDIX I

STORMWATER CONTROLS AND BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

STORMWATER CONTROLS AND BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20__, by and between _____, (hereinafter the "Landowner"), and Nether Providence Township, Delaware County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Delaware County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter "Property").

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

WHEREAS, the Stormwater Controls and BMP Operations and Maintenance Plan approved by the Municipality (hereinafter referred to as the "Plan") for the Property identified herein, which is attached hereto as Appendix A and made part hereof, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs); and

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

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

BMP – "Best Management Practice"-activities, facilities, designs, measures, or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and infiltration, and to otherwise meet the purposes of the municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters, and detention basins.

- Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the Municipality requires, through the implementation of the Plan, that stormwater management BMPs as required by said Plan and the municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors, and assigns.

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

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents, and employees to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the Property.
4. In the event that the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event that the Municipality, pursuant to this Agreement, performs work of any nature or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for

all expenses (direct and indirect) incurred within ten (10) days of receipt of an invoice from the Municipality.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the on-site BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability on any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interest shall release the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives, or employees, the Municipality shall promptly notify the Landowner, and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The Municipality shall inspect the BMP(s) at a minimum of once every three (3) years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of _____ County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interest, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

_____ (Nether Providence Township)

County of Delaware, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____ whose name(s)

is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20__, has acknowledged the same before me in my said County and State.

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

NOTARY PUBLIC

(SEAL)

ORDINANCE APPENDIX J

RIPARIAN BUFFER TRAIL GUIDELINES

Riparian Buffer Trail Guidelines

[Note to Municipality: The following riparian buffer trail guidelines may be modified provided that the buffer meets all minimum width and vegetation requirements detailed in Section 306 of the ordinance as well as all federal, state and local, stormwater, floodplain, and other requirements and regulations.]

Introduction

Riparian buffers are used as non-structural best management practices (BMPs) for protecting and enhancing water quality. Depending on their size, location, and design, riparian buffers often supply additional environmental, economic, aesthetic, and recreational value. Passive recreational trails can be a compatible use within riparian buffers if the trails are sized and placed appropriately. The trail guidelines below are meant to supplement Section 306, Water Quality Requirements, and do not alter or modify the regulations set forth in Section 301 General Requirements. All other applicable rules and requirements should be followed, including all federal, state, permitting, and local stormwater and floodplain ordinances.

Installing a trail does not relieve a developer or municipality of the minimum buffer and vegetation requirements described in Section 306-C, or infiltration and peak rate controls in Sections 305 and 308. Effort shall be made to mitigate water quality and peak rate adjacent the trail structure to avoid collecting runoff in a large facility and creating a point discharge. This can be accomplished by trail-side stone filtration trenches, vegetative filter strips, small bio-retention facilities, and other mechanisms subject to site constraints and municipal engineer approval. See Figure J-1. In situations where site constraints negate the feasibility of trail-side mitigation methods, effort shall be made to collect runoff in multiple stormwater facilities for segmented portions of the trail, in place of detaining stormwater in one large facility. Level spreaders shall be constructed at facility outlets to decrease point-source discharges.

As with all trails, adequate land acquisition, easements, and/or landowner permission should be obtained in advance of any trail placement. Care should be given when designing and installing trails so as not to compromise the buffer's ability to protect water quality. Many factors such as slope, vegetation, and soil type will determine the type, size, and placement of the trail within the riparian buffer. Heavily used trails and trails with wide impervious surfaces should be set back farther from the stream edge to help mitigate the effects of any associated increase in runoff. Note: failure to comply with these guidelines (Installing a trail with inadequate setback from the stream bank) could result in increased stormwater runoff, decreased water quality, stream bank degradation, and damage to the buffer or trail.

Trail Recommendations

Location, Size, and Orientation

All trails should be a reasonable width appropriate for the site conditions. It is not recommended that the width of any paved trail exceed twenty five (25) percent of the total buffer width. All trail designs and specifications are subject to approval by the municipality.

Natural vegetation must be present throughout the buffer as described in Section 306 of the ordinance. Grassy areas should be managed as meadows or be reforested and should not be mowed as lawn in any part of the buffer. Where existing vegetation is insufficient to protect water quality, additional native species should be planted to enhance the buffer.

Paved trails, if appropriate to the site, are permitted and must be located at least twenty-five (25) feet from the top of the stream bank. In limited instances, paved trails be placed closer to a stream due to topography, or in order to accommodate passive educational and recreational activities, but must always be at least ten (10) feet from the top of the stream bank. Although this can be achieved by diverting the entire trail closer to the stream, more conservative methods should be considered, such as smaller spur trails or loop trails. These smaller trails provide access to the stream, but reduce the total traffic along the sensitive stream bank.

In rare instances where the buffer width is reduced due to zoning setback or geographical constraints, the municipality should strongly consider whether the benefits of a trail outweigh the benefits of a wider buffer.

Signage

The installation of interpretive and educational signage is strongly encouraged along the trail. Signs should point out local natural resources and educate the public on how riparian buffers protect the watershed. There should be minimum disturbance in the vegetated buffer between the trail and the stream. Therefore, all appurtenances (e.g. benches, educational signs, kiosks, fountains, etc.) should be installed on the landward side of the trail, if possible. All appurtenances shall be installed in compliance with federal, state, local, stormwater, floodplain, and other regulations and permitting requirements (e.g. anchoring, etc.)

Parking Areas

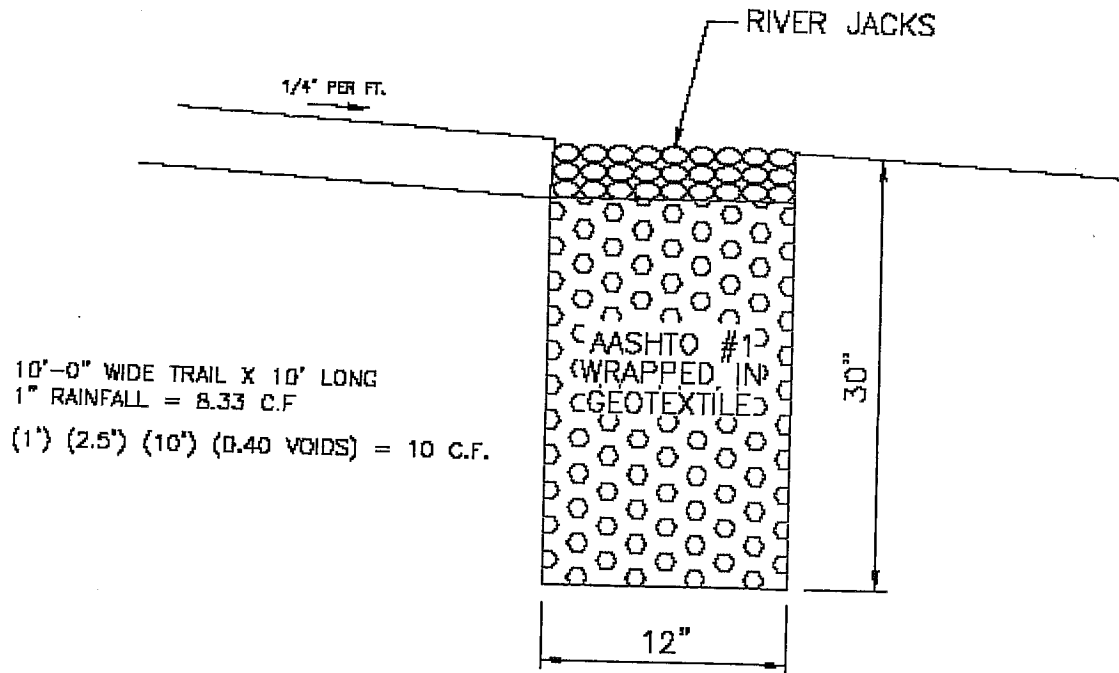
New trailheads and trail parking areas shall meet all the infiltration, rate control, and minimum setback requirements of this ordinance. Every effort should be made to coordinate trail access with existing parking areas. Any new parking areas and trailhead clearings should not encroach on the riparian buffer in any way.

Trail Maintenance

The installation and maintenance of all trails should be performed in a manner that minimizes site disturbance and prevents runoff and erosion. Soil disturbance should be avoided if possible. The removal of native trees and other native vegetation should also be kept to a minimum. If large or heavy equipment is required for trail installation, special care should be given not to damage existing trees and tree roots.

FIGURE J-1

EXAMPLE DESIGN OF A TRAIL-SIDE STONE FILTRATION TRENCH



Source:

James MacCombie, Herbert E. MacCombie Jr. P.E. Consulting Engineers & Surveyors
Inc.