STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. 1367

Prospect Park Borough, Delaware County

PENNSYLVANIA

ADOPTED, this 9th day of August, 2022.

BY:

Patrick O'Connell
President

(SEAL)

Attest: Deborah Hurst
Deborah Hurst
Secretary

APPROVED:

Jeffrey Harris
Mayor

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Section 101. Short Title

This Ordinance shall be known as the "Prospect Park Borough Stormwater Management Ordinance."

Section 102. Statement of Findings

The governing body of the Municipality finds that:

A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces 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 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.

I. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltration and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices, LID, and CD contribute to the restoration or maintenance of pre-development hydrology.

Section 103. Purpose

The purpose of this Ordinance is to promote the public health, safety, and general welfare, property, and water quality by implementing drainage and stormwater management practices, criteria, and provisions included herein for land development, construction, and Earth Disturbance Activities, to achieve the following throughout the Municipality:

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 to protect, maintain, reclaim, and restore the existing and designated uses of the Waters of the Commonwealth.

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.

S. Implement the requirements of Total Maximum Daily Loads (TMDLs) where applicable to waters within or impacted by 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. Borough Code, 8 Pa.C.S.A Section 101 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.

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	Regulated 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:

- **"Regulated 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.
- Modified[1] - 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.
- Modified[2] - Modified SWM site plan need only consist of items and related material needed to determine compliance with Section 311.
- 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. High Tunnel if:
    a. The High Tunnel or its flooring does not result in an impervious surface exceeding 25% of all structures located on the Landowner's total contiguous land area; and
    b. The High Tunnel meets one of the following:
        i. The High Tunnel is located at least 100 feet from any perennial stream or watercourse, public road, or neighboring property line.
        ii. The High Tunnel is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%.
        iii. The High Tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing stormwater runoff in a manner consistent with the requirements of Pennsylvania Act 167.

4. 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 311.

5. Repaving without reconstruction.

6. 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 the Borough within two (2) calendar days of the commencement of the activity. If the Borough 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.

7. Maintenance Exemption - Any maintenance to an existing stormwater management system made in accordance with plans and specifications approved by the Borough or its responsible representative.

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.

Section 110. Erroneous Permit

Any permit or authorization issued or approved based on false, misleading, or erroneous information provided by an Applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, or employee of the Municipality purporting to validate such a violation.

Section 111. Waivers

A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to Sections 111.B and 111.C.

B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.

C. No waiver or modification of any regulated stormwater activity involving Earth Disturbance greater than or equal to one (1) acre may be granted by the Municipality unless that action is approved in advance by PADEP or the Delaware County Conservation District.

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 include certain low impact development practices used to minimize the contact of pollutants with stormwater runoff. These practices aim to limit the total volume of stormwater runoff and manage stormwater at its source by techniques such as protecting natural systems and incorporating existing landscape features. Nonstructural BMPs include, but are not limited to, low impact development practices such as the protection of sensitive and special value features such as wetlands and riparian areas, the preservation of open space while clustering and concentrating development, the reduction of impervious cover, and the disconnection of rooftops from storm sewers. Structural BMPs are those that consist of a physical to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, bioretention, wet ponds, permeable paving, grassed swales, riparian buffers, sand filters, detention basins, and manufactured devices. Structural and nonstructural 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 natural or manmade, existing, or proposed Stormwater Management Facility, feature or channel used for the transportation or transmission of stormwater from one place to another. For the purposes of this Ordinance, Conveyance shall include pipes, drainage ditches,

channels, and swales (vegetated and other), gutters, stream channels, and like facilities or features.

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. Also referred to as "DEP", "PA DEP", or "PADEP."

Designee – The agent of the Delaware County Planning Department, 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, or company, or organization 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 (E&S) 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.

Evapotranspiration (ET) – The combined processes of evaporation from the water or soil surface and transpiration of water by plants.

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 Emergency Management Agency (FEMA) maps and studies 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 (also called the base flood or one percent (1%) annual chance 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.

Green Infrastructure – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated. Also referred to as Green Stormwater Infrastructure (GSI).

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).

High Tunnel – A structure which meets the following:

1. Is used for the production, processing, keeping, storing, sale or shelter of an agricultural commodity as defined in section 2 of the Act of December 19, 1974 (P.L. 973, No. 319), known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," or the storage of agricultural equipment or supplies; and
2. Is constructed with all the following:
    a. has a metal, wood, or plastic frame;
    b. when covered, has a plastic, woven textile, or other flexible covering; and
    c. has a floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.

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 shall include, but are not limited to, streets, sidewalks, pavements, additional indoor living spaces, patios, decks, *swimming pools for the purposes of stormwater management*, garages, storage sheds, and similar structures, driveway areas, roofs, tennis or other paved courts. For the purposes of determining compliance with this Ordinance, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Uncompacted gravel areas with no vehicular traffic shall be considered pervious per review by the Municipal Engineer. Surfaces that were designed to allow infiltration (i.e. pavers and areas of porous pavement) are not to be considered impervious surface if designed to function as a BMP per review by the Municipal Engineer. Additionally, for the purposes of determining compliance with this Ordinance, the total horizontal projection area of all ground-mounted and free-standing solar collectors, including solar photovoltaic cells, panels, and arrays, shall be considered pervious so long as the Municipal Engineer determines that the area underneath the solar photovoltaic cells, panels, and arrays is maintained as a vegetated pervious surface.

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.

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

Main Stem (Main Channel) – Any stream segment or other runoff conveyance used as a reach in watershed-specific hydrologic models.

Managed Release Concept (MRC) - A post-construction stormwater management (PCSM) strategy that comprises the collection, management, and filtration of captured runoff from the

contributing drainage area through a best management practice (BMP) that is preferably vegetated and includes release of a portion of the captured runoff through an underdrain within the BMP. If the MRC BMP is not vegetated, then pretreatment is required to meet water quality requirements. MRC is intended to be used for project areas or subareas where infiltration is considered infeasible to meet regulatory requirements. Refer to the "Managed Release Concept" Version 1.2 (August 25, 2020) guidance document or latest guidance from PA DEP.

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 –Prospect Park Borough, 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, and as subsequently amended) - 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.

Pet – A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

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

Planning Commission – The Planning Commission of Prospect Park Borough.

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 reproducibles, 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.

MUNICIPALITY: to insert date Stormwater Ordinance was adopted that first regulated impervious surface.

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 Control Measure – Physical features used to effectively control, minimize, and treat stormwater runoff. Also may be referred to as Stormwater Management Practice (SMP). [See Best Management Practice (BMP)].

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, including Best Management Practices and Stormwater Control Measures. 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 (Tc) – 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. Alteration of existing drainage discharge onto adjacent property shall only be proposed in accordance with PADEP guidance document "Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Waters – Frequently Asked Questions (FAQ)" dated January 2, 2019, or latest guidance document from PADEP. Such discharge shall be subject to any applicable discharge criteria specified in this Ordinance and **still must meet the requirements of Act 167.**

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 of minimum twenty- five feet *(25')* shall be provided on either side of, and conform to the line of such streams.

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 evapotranspirated.

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. Applicants shall utilize the *Pennsylvania Stormwater Best Management Practices Manual* (PA BMP Manual), as amended, or other sources acceptable to the Municipal Engineer, for testing and design standards for BMPs, and where there is a conflict with the provisions of this Ordinance, the most restrictive applies.

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 sub-watershed 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 adjacent and 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 storm and the volume of runoff up to and including the 2-year storm onto or through adjacent property(ies) or downgradient property(ies), 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 per the PADEP guidance document "Chapter 102 Off-Site Discharges of Stormwater to Non-Surface Wasters – Frequently Asked Questions (FAQ)" dated January 2, 2019, or latest guidance document from PADEP.
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 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 311.
   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. per the PA BMP Manual. A financial hardship as defined in Section 202 is not acceptable to avoid implementing infiltration facilities. If infiltration 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 or alternative methods consistent with the PA BMP Manual (as amended) or other PADEP guidance, such as the Managed Release Concept, may be used to manage this volume with approval from the Municipal Engineer. 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 305A.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 (Rev) 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 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 (inch) * impervious area (square feet) ÷ 12 (inches) = 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 * impervious area (square feet) ÷ 12 (inches) = 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 as required in the PA BMP Manual. Field tests shall be witnessed by designated municipal official.

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 anti-degredation 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. The green infrastructure and Low Impact Development (LID) practices provided in the PA BMP Manual, as well as the guidance on green infrastructure and LID provided in Appendix E shall be utilized for all regulated activities wherever possible. 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:

The Post-construction total runoff volume shall not exceed the Predevelopment total runoff volume for all storms equal to or less than the two-year, 24-hour duration precipitation (design storm). If the Municipal Engineer concurs that this criterion cannot be met, a minimum of one half (0.5)-inches of runoff from all Regulated Impervious Surfaces shall be managed. 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 by use of BMPs that moderate temperature.

C. Evapotranspiration may be quantified and credited towards meeting volume requirements according to the PADEP Post Construction Stormwater Management (PCSM) Spreadsheet and Instructions (December 2020) or the most recent guidance from PADEP.

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 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. 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 Table.

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 BY STORMWATER MANAGEMENT DISTRICT IN THE DARBY-COBBS CREEK WATERSHED

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

E. 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.

F. Hardship Option for regulated activities less than one acre of earth disturbance - 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 where deemed acceptable by the Municipal Engineer. 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 upon evaluation by the Municipal Engineer. 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.

G. "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.

H. 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 the Borough:

1. Meet the full requirements specified by Table 308.1 and Sections 308.A through 308.H, or

2. Reduce the total pre-development impervious surface on the site by at least twenty percent (20%); based upon a comparison of existing impervious surface to regulated impervious