

# **PROVIDENCE TOWNSHIP**

## **STORMWATER MANAGEMENT ORDINANCE**

**ORDINANCE NO. 14-01**

**LANCASTER COUNTY, PENNSYLVANIA**

Adopted at a Public Meeting Held on

May 5, 2014

Amended June 4, 2018 by Ordinance No. 18-03

Amended March 4, 2019 by Ordinance No. 19-02

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## **ARTICLE I. GENERAL PROVISIONS**

### **SECTION 1.01 SHORT TITLE**

This Ordinance shall be known and may be cited as the “Providence Township Stormwater Management Ordinance (SWMO).”

### **SECTION 1.02 STATEMENT OF FINDINGS**

The Board of Supervisors of the Providence Township 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 control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- B. A comprehensive program of SWM, including reasonable regulation of development and activities causing accelerated runoff is fundamental to the public health, safety, welfare, and the protection of the people of the Township and all the people of the Commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. 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 Municipal Separate Storm Sewer Systems (MS4) under the National Pollutant Discharge Elimination System (NPDES).
- E. Riparian forest buffers enhance water quality by filtering pollutants in runoff, providing light control and temperature moderation, processing pollutants, increasing infiltration and providing channel and shoreline stability thus decreasing erosion (DEP Riparian Forest Buffer Guidance, November 27, 2010).

### **SECTION 1.03 PURPOSE**

The purpose of this Ordinance is to promote health, safety, and welfare by minimizing the harms and maximizing the benefits described in Section 1.02 of this Ordinance through provisions designed to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve the natural drainage systems as much as practicable.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper Operation and Maintenance of all Stormwater Management Best Management Practices (SWM BMPs) that are implemented within the Township.
- H. Provide standards to meet NPDES permit requirements.
- I. Promote stormwater runoff prevention through the use of nonstructural Best Management Practices (BMPs).
- J. Provide a regulatory environment that supports the proportion, density and intensity of development called for in the comprehensive plan; allow for creative methods of improving water quality and managing stormwater runoff; and promote a regional approach to water resource management.
- K. Help preserve and protect exceptional natural resources and conserve and restore natural resource systems.
- L. Promote stormwater management practices that emphasize infiltration, evaporation, and transpiration.

## **SECTION 1.04 STATUTORY AUTHORITY**

- A. Primary Authority: The Township is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the “Stormwater Management Act” and Act 394 of 1937, as amended, 35 P.S. Section 691.1 et seq. the Pennsylvania Clean Streams Law. The Township also is empowered to regulate land use activities that affect stormwater impacts by the authority of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as reenacted and amended by the Act of November 9, 1995, P.L. 350, No. 60, as amended.
- B. Secondary Authority: The Township also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

## **SECTION 1.05 APPLICABILITY**

The provisions, regulations, limitations, and restrictions of this ordinance shall apply to regulated activities as defined in this Ordinance.

- A. This chapter applies to any regulated earth disturbance activities within the Township and all stormwater runoff entering into the Township's separate storm sewer system from lands within the boundaries of the Township.
- B. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
- C. The provisions, regulations, limitations, and restrictions of this chapter governing maintenance of SWM Facilities shall apply to all SWM Facilities existing on the date of this chapter or installed after the date of this chapter and shall apply to all persons responsible for maintenance of such SWM Facilities and all persons who own or occupy the land upon which such SWM Facilities are located.
- D. The provisions, regulations, limitations and restrictions of this chapter governing grading, erosion and sedimentation control, excavation and other earth disturbance activities shall apply to all persons performing any such activities within the Township and to all landowners of lots upon which such activities are performed.
- E. No person shall use or modify any land or watercourse, and no person shall disturb, move, strip or modify the earth, and no person shall build, install or extend any structure

or other impervious surface or semi-impervious surface without full compliance with the terms of this chapter and other applicable regulations.

- F. It shall be the responsibility of the developer and, if different, the landowner, to ensure that all contractors, agents or other persons comply with all requirements of the chapter and with any approved SWM Site Plan or stormwater management permit.

#### **SECTION 1.06 REPEALS AND CONTINUATION OF PRIOR REGULATIONS**

Any other ordinance provision(s) or regulation of the Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

- A. Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Board of Supervisors that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior storm water regulation or ordinance. In the event any violation has occurred under any prior storm water regulation or ordinance of Providence Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior storm water regulation or ordinance, and the provisions and penalties provided in said prior stormwater regulation or ordinance shall remain effective as to said violation.
- B. Any Plan (hereinafter defined) pending at the time of the effective date of this Chapter shall be allowed to proceed with revisions, finalization and implementation in accordance with any ordinance in effect prior hereto.

#### **SECTION 1.07 SEVERABILITY**

Should any section, provision or part thereof 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 1.08 COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS**

Approvals issued pursuant to this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

## **SECTION 1.09 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, agency or employee of the Providence Township purporting to validate such a violation.

## **SECTION 1.10 MUNICIPAL LIABILITY**

Except as specifically provided by the Pennsylvania Storm Water Management Act, Act of October 4, 1978, P.L. 864, No. 167, as amended, 32 P.S. §680.1 et seq., the making of any administrative decision by the Providence Township or any of its officials or employees shall not constitute a representation, guarantee or warranty of any kind by the Township of the practicability or safety of any proposed structure or use with respect to damage from erosion, sedimentation, storm water runoff, flood, or any other matter, and shall create no liability upon or give rise to any cause of action against the Township and its officials and employees. Township, by enacting and amending this Ordinance, does not waive or limit any immunity granted to the Township and its officials and employees by the Governmental Immunity Act, 42 Pa. C.S. §8541 et seq., and does not assume any liabilities or obligations.

## **SECTION 1.11 DUTY OF PERSONS ENGAGED IN THE DEVELOPMENT OF LAND**

Notwithstanding any provision(s) of this Ordinance, including exemptions, any landowner or any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety, or other property. Such measures also shall include actions as are required to manage the rate, volume, direction, and quality of resulting stormwater runoff in a manner which otherwise adequately protects health, property, and water quality.

## **ARTICLE II.            DEFINITIONS OF TERMS**

### **SECTION 2.01 INTERPRETATION AND WORD USAGE**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. Words used or defined in one tense or form shall include other tenses or derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- D. The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.
- E. The word "Lot" includes the words "plot", "Tract", and "Parcel".
- F. The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.
- G. The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.
- H. Any words not defined in this Ordinance or in Section 107 of the MPC shall be construed as defined in standard dictionary usage.
- I. References to officially adopted regulations, standards, or publications of DEP or other governmental agencies shall include the regulation, publication, or standard in effect on the date when a SWM Site Plan is first filed. It is the intent of the Board of Supervisors in enacting this Section to incorporate such changes to statutes, regulations, and publications to the extent authorized by 1 Pa. C.S. § 1937.

## **SECTION 2.02 DEFINITIONS OF TERMS**

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

**Access Easement** – A right granted by a landowner to a grantee, allowing entry for the purpose of inspecting, maintaining and repairing SWM Facilities.

**Act 167 Plan** – A plan prepared under the authority of The Stormwater Management Act.

**Agricultural Activity** – Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops and raising livestock including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of Conservation Practices. Construction of new buildings or impervious areas 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; earth disturbance activity.

**Animal Heavy Use Areas** – A barnyard, feedlot, loafing area, exercise lot, or other similar area on an agricultural operation where due to the concentration of animals, it is not possible to establish and maintain vegetative cover of a density capable of minimizing accelerated erosion and sedimentation by usual planting methods. The term does not include entrances, pathways and walkways between areas where animals are housed or kept in concentration.

**Applicant** – A Landowner and/or Developer, as hereinafter defined, including his heirs, successors and assigns, who has filed an application to the Township for approval to engage in any regulated activity at a Development Site located within the Township.

**BMP (Best Management Practice)** – Activities, facilities, control measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities<sup>1</sup>. See also Non-structural BMP and Structural BMP.

**BMP Manual** – The Pennsylvania Stormwater Best Management Practices Manual of December 2006, or most recent version thereof.

**Board of Supervisors** – The governing body of the Township.

**Building** – Any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers, or walls.

**Carbonate Geology** – Limestone or dolomite bedrock. Carbonate geology is often associated with karst topography.

**Certificate of Completion** – Documentation verifying that all permanent SWM facilities have been constructed according to the plans and specifications and approved revisions thereto.

**Chapter 102** – 25 Pa. Code Chapter 102, Erosion and Sediment Control.

**Chapter 105** – 25 Pa. Code, Chapter 105, Dam Safety and Waterway Management.

**Chapter 106** – 25 Pa. Code, Chapter 106, Floodplain Management.

**Cistern** – A reservoir or tank for storing rainwater.

**Clean Water Act** – the 1972 Amendments to the Federal Water Pollution Control Act, P.L. 92-500 of 1972, 33 U.S.C. §1251 et seq.

**Conservation District** - The Lancaster County Conservation District or any agency successor thereto.

**Conservation Plan** – A plan written by an NRCS certified planner that identifies Conservation Practices and includes site-specific BMPs for agricultural plowing or tilling activities and Animal Heavy Use Areas.

**Conservation Practices** – Practices installed on agricultural lands to improve farmland, soil and/or water quality which have been identified in a current Conservation Plan.

**Conveyance** – (n) Any structure that carries a flow. (v) The ability of a pipe, culvert, swale or similar facility to carry the peak flow from the design storm.

**Culvert** – A structure with appurtenant works which can convey a stream under or through an embankment or fill.

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

**DCNR** – the Pennsylvania Department of Conservation and Natural Resources or any agency successor thereto.

**DEP also PA DEP or PADEP** – The Pennsylvania Department of Environmental Protection or any agency successor to the Pennsylvania Department of Environmental Protection.

**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., 24-hours), used in the design and evaluation of SWM systems.

**Designee** – The agent of Lancaster County and/or agent of Providence Township involved with the administration, review or enforcement of any provisions of this chapter by appointment, contract or memorandum of understanding.

**Detention Basin** – An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a controlled rate.

**Developer** – A person who undertakes any Regulated Activity of this Ordinance.

**Development Site (Site)** – The specific area of land where regulated activities in the Township are planned, conducted or maintained.

**Disappearing Stream** – A stream in an area underlain by limestone or dolomite that flows underground for a portion of its length.

**Disturbed Area** – A land area where an earth disturbance activity is occurring or has occurred.

**Drainage Conveyance Facility** - A SWM Facility designed to transmit stormwater runoff, including streams, channels, swales, pipes, conduits, storm sewers, etc.

**Drainage Easement** – Rights to occupy and use another person's real property for the installation and operation of SWM Facilities, or for the maintenance of natural drainageways to preserve and maintain a channel for the flow of stormwater therein, or to safeguard health, safety, property, and facilities

**E&S** – Erosion and Sediment.

**E&S Plan (also Erosion and Sediment Control Plan)** – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities.

**E & S Manual** – The Erosion and Sediment Pollution Control Program Manual, Number 363-2134-008, prepared by DEP.

**Earth Disturbance Activity** – A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; land development; agricultural plowing or tilling; operation of animal heavy use areas; timber harvesting activities; road maintenance activities; oil and gas activities; well drilling; mineral extraction; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials<sup>1</sup>.

**Environmentally Sensitive Area** – slopes greater than 15% percent, shallow bedrock (located within 6 feet of ground surface<sup>2</sup>), wetlands, Natural Heritage Areas and other areas designated as Conservation or Preservation in *Greenscapes*, the Green Infrastructure Element of the County

Comprehensive Plan, where encroachment by land development or land disturbance results in degradation of the natural resource.

**Erosion** – The natural process by which the surface of the land is worn away by water, wind, or chemical action. See also, “Accelerated Erosion” as defined above.

**Existing Conditions** – The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

**FEMA** - The Federal Emergency Management Agency and any agency successor thereto.

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

**Flood Fringe** – That portion of the floodplain outside of the floodway<sup>3</sup>.

**Floodplain** – As defined in the Township Zoning Ordinance.

**Floodplain Management Act** - Act of October 4, 1978, P.L. 851, No. 166, as amended 32 P.S. Section 679.101 et seq.

**Floodway** – As defined in the Township Zoning Ordinance.

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

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

**Frequency** – The probability or chance that a given storm event/flood will be equaled or exceeded in a given year.

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

**Groundwater Recharge** – The process by which water from above the ground surface is added to the saturated zone of an aquifer, either directly or indirectly.

**High Tunnel Agricultural Structure** – 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 for the storage of agricultural equipment or supplies; and,
2. Is constructed consistent with all of the following
  - i. Has a metal, wood or plastic frame.
  - ii. When covered, has a plastic, woven textile or other flexible covering.
  - iii. Has a floor made of soil, crushed stone, matting, pavers or a floating concrete slab. *(Amended by Ordinance No. 18-03, 06/04/2018)*

**Hydrologic Soil Group (HSG)** – Refers to soils grouped according to their runoff-producing characteristics by NRCS. There are four (4) runoff potential groups ranging from A to D.

- A. (Low runoff potential) Soils having high infiltration rates even when thoroughly wetted and consisting chiefly of deep-, well- to excessively-drained sands or gravels. These soils have a high rate of water transmission (greater than 0.30 inches/hour).
- B. Soils having moderate infiltration rates when thoroughly wetted and consisting chiefly of moderately deep- to deep-, moderately well- to well-drained soils with moderately fine- to moderately-coarse textures. These soils have a moderate rate of water transmission (from 0.15 to 0.30 inches/hour).
- C. Soils having slow infiltration rates when thoroughly wetted and consisting chiefly of soils with a layer that impedes downward movement of water, or soils with moderately fine to fine texture. These soils have a slow rate of water transmission (from 0.05 to 0.15 inches/hour).
- D. (High runoff potential) Soils having very slow infiltration rates when thoroughly wetted and consisting chiefly of clay soils with a high swelling potential, soils with a permanent high water table, soils with a clay pan or clay layer at or near the surface, and shallow soils over nearly impervious material. These soils have a very slow rate of water transmission (from 0 to 0.05 inches/hour).

**Impervious Surface (Impervious Area)** – Surfaces which prevent the infiltration of water into the ground. All structures, buildings, parking areas, driveways, roads, streets, sidewalks, decks, and any areas of concrete, asphalt, packed stone, and compacted soil shall be considered impervious surface if they prevent infiltration.

**Impoundment** – A retention or detention facility designed to retain stormwater runoff and infiltrate it into the ground (in the case of a retention basin) or release it at a controlled rate (in the case of a detention basin).

**Infiltration Structures** – A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench, rain gardens, vegetated swales, pervious paving, infiltration basins, etc.).

**Inlet** – A surface connection to a closed drain. The upstream end of any structure through which water may flow.

**Intermittent** – A natural, transient body or conveyance of water that exists for a relatively long time, but for weeks or months of the year is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

**Invasive Vegetation (Invasives)** – Plants which grow quickly and aggressively, spreading, and displacing other plants. Invasives typically are introduced into a region far from their native habitat. See [Invasive Plants in Pennsylvania](#) by the Department of Conservation and Natural Resources.

**Karst** – A type of topography or landscape characterized by features including but not limited to surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

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

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two or more 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
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. Any subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

**Land Disturbance** – Any activity involving grading, tilling, digging or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

**Landowner** – The legal or beneficial owner or owners of land including: the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**Limiting Zone** – A rock formation, other stratum, or soil condition which is so slowly permeable that it effectively limits downward passage of effluent<sup>12</sup>. Seasonal high water tables, whether perched or regional, also constitute a limiting zone.

**Lineament** – A linear feature in a landscape which is an expression of an underlying geological structure such as a fault.

**Manning's Equation** – An equation 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. Manning's Equation assumes steady, gradually varied flow.

**Maximum Extent Practicable (MEP)** – Applies when the applicant demonstrates to the Township's satisfaction that the performance standard is not achievable. The applicant shall take into account the best available technology, cost effectiveness, geographic features, and other

competing interests such as protection of human safety and welfare, protection of endangered and threatened resources, and preservation of historic properties in making the assertion that the performance standard cannot be met and that a different means of control is appropriate.<sup>5</sup>

**MPC** – The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. Section 10101 et seq.

**Municipal Separate Storm Sewer** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains), which is all of the following: (1) owned or operated by a state, city, town, borough, township, county, district, association or other public body (created under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes; (2) designed or used for collecting or conveying stormwater; (3) not a combined sewer; and (4) not part of a Publicly Owned Treatment Works as defined at 40 CFR § 122.2.

**Municipal Separate Storm Sewer System (MS4)** – All separate storm sewers that are defined as “large” or “medium” or “small” Municipal Separate Storm Sewer Systems pursuant to 40 CFR §§ 122.26(b)(18), or designated as regulated under 40 CFR § 122.26(a)(1)(v).

**Municipality** – The Township of Providence, Lancaster County, Pennsylvania.

**NRCS** - Natural Resources Conservation Service (previously Soil Conservation Service, or SCS).

**National Pollution Discharge Elimination System (NPDES)** – A permit issued under 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance) for the discharge or potential discharge of pollutants from a point source to surface waters.

**Native Vegetation** – Plant species that have evolved or are indigenous to a specific geographical area. These plants are adapted to local soil and weather conditions as well as pests and diseases.

**Natural Drainageway** – An existing channel for water runoff that was formed by natural processes.

**Natural Ground Cover** – Ground cover which mimics the infiltration characteristics of predominant hydrologic soil group found at the site.

**Nonpoint Source Pollution** – Any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act.

**Non-structural BMPs** – Planning and design approaches, operational and/or behavior-related practices which minimize stormwater runoff generation resulting from an alteration of the land surface or limit contact of pollutants with stormwater runoff.

**Open Channel** – A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full. Open channels may include closed conduits so long as the flow is not under pressure.

**Outfall** – Point where water flows from a conduit, stream, pipe, or drain.

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

**PennDOT** – The Pennsylvania Department of Transportation or any agency successor thereto.

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

**Pervious Area** – Any material / surface that allows water to pass through at a rate equal to or greater than natural ground cover.

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

**Plans** – The SWM and erosion and sediment control plans and narratives.

**Planning Commission** – The Planning Commission of Providence Township, Lancaster County, Pennsylvania.

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

**Present Worth** – The equivalence of any future amount to any present amount.

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

**Process Wastewater** – Water that comes in contact with any raw material, product, by-product, or waste during any production or industrial process.

**Qualified Person** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.

**Rate Control** – SWM controls used to manage the peak flows for the purposes of channel protection and flood mitigation.

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

**Redevelopment** – Any physical improvement to a previously developed lot that involves earthmoving, removal, or addition of impervious surfaces.

**Regional Stormwater Management Plan** – A plan to manage stormwater runoff from an area larger than a single Development Site. A Regional Stormwater Management Plan could include two adjacent parcels, an entire watershed, or some defined area in between. Regional Stormwater Management Plans can be prepared for new development, or as a retrofit to manage runoff from already developed areas.

**Regulated Activities** – Activities, including Earth Disturbance Activities that involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities shall include, but not be limited to:

- A. Land Development subject to the requirements of the Providence Township Subdivision and Land Development Ordinance;
- B. Removal of ground cover, grading, filling or excavation;
- C. Construction of new or additional impervious or semi-impervious surfaces (driveways, parking lots, etc.), and associated improvements;
- D. Construction of new buildings or additions to existing buildings;
- E. Installation or alteration of SWM Facilities and appurtenances thereto;
- F. Diversion or piping of any watercourse; and,
- G. Any other regulated activities where the Township determines that said activities may affect any existing watercourse's SWM Facilities, or stormwater drainage patterns.

**Release Rate** – For a specific design storm or list of design storms, the percentage of peak flow rate for existing conditions which may not be exceeded for the proposed conditions.

**Retention Basin** – A SWM Facility that includes a permanent pool for water quality treatment and additional capacity above the permanent pool for temporary runoff storage.

**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.

**Riparian** – Pertaining to a stream, river or other watercourse. Also, plant communities occurring in association with any spring, lake, river, stream or creek through which waters flow at least periodically.

**Riparian Buffer** – A BMP that is an area of permanent vegetation along a watercourse.

**Riparian Corridor** – A narrow strip of land, centered on a stream or river that includes the floodplain as well as related riparian habitats adjacent to the floodplain<sup>6</sup>.

**Riparian Corridor Easement** – An easement created for the purpose of protecting and preserving a Riparian Corridor.

**Riparian Forest Buffer** – A type of Riparian Buffer that consists of permanent vegetation that is predominantly native trees, shrubs and forbs along a watercourse that is maintained in a natural state or sustainably managed to protect and enhance water quality, stabilize stream channels and banks, and separate land use activities from surface waters.

**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.

**Rooftop Detention** – Temporary ponding and gradual release of stormwater falling directly onto roof surfaces by incorporating controlled-flow roof drains into building designs.

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

**SCS** - U.S. Department of Agriculture, Soil Conservation Service (now known as NRCS).

**Sediment** – Soils or other materials transported by stormwater as a product of erosion<sup>1</sup>.

**Sediment Basin** – A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water.

**Sediment Pollution** – The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

**Sedimentation** – The action or process of forming or depositing sediment in Waters of this Commonwealth<sup>1</sup>.

**Seepage Pit/Seepage Trench** – An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

**Semi-impervious / Semi-pervious surface** – A surface which prevents some infiltration of water into the ground.

**Sheet Flow** – Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

**Small Project** - Regulated Activities that, do not create more than 5,000 square feet of impervious area or involve the removal of ground cover, grading, filling, or excavation of more than 1 acre, and do not require the submission of a subdivision or land development plan.

**Small Storm Event** – A storm having a frequency of recurrence of once every two (2) years or smaller.

**Soil-Cover Complex Method** – A method of runoff computation developed by the SCS (now NRCS) that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN). For more information, see “Urban Hydrology for Small Watersheds,” Second edition, Technical Release No. 55, SCS, June 1986 (or most current edition).

**Soil Group, Hydrologic** – See “Hydrologic Soil Group”.

**State Water Quality Requirements** – The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code, the Clean Streams Law and the Clean Water Act.

**Storage** – A volume above or below ground that is available to hold stormwater.

**Storm Event** – A storm of a specific duration, intensity, and frequency.<sup>7</sup>

**Storm Sewer** – A system of pipes and/or open channels designed to convey stormwater.

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

**Stormwater Management Act** – Act of October 4, 1978, P.L. 864, No. 167, as amended 32 P.S. Section 680.1 et seq.

**Stormwater Management Best Management Practices (SWM BMP)** – See **BMPs**.

**Stormwater Management Facility (SWM Facility)** – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, infiltrates/evaporates/transpires, cleans or otherwise affects stormwater runoff. Typical SWM Facilities include, but are not limited to, detention and retention basins, open channels, watercourses, road gutters, swales, storm sewers, pipes, BMPs, and infiltration structures.

**Stormwater Management Operation and Maintenance Plan (O & M Plan)** – A plan, including a narrative, to ensure proper functioning of the SWM Facilities in accordance with Article VI of this Ordinance.

**Stormwater Management Site Plan (SWM Site Plan)** – The Plan prepared by the Developer or his representative indicating how stormwater runoff will be managed at a particular development site according to this Ordinance.

**Stream** – A watercourse.

**Structural BMPs** – Physical devices and practices that capture and treat stormwater runoff. Structural stormwater BMPs are permanent appurtenances to the Development Site.

**Structure** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.<sup>8</sup>

**Subdivision** – A subdivision as defined in the MPC.

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

**SWM** – Stormwater Management.

**SWM Site Plan** – A Stormwater Management Site Plan.

**Timber Operations** – See Forest Management.

**Time of Concentration (Tc)** – The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**Top of Streambank** – First substantial break in slope between the edge of the bed of the stream and the surrounding terrain. The top of streambank can either be a natural or constructed (that is, road or railroad grade) feature, lying generally parallel to the watercourse.

**Township** - The Township of Providence, Lancaster County, Pennsylvania.

**Treatment Train** – The sequencing of structural Best Management Practices to achieve optimal flow management and pollutant removal from urban stormwater.

**USDA** – United States Department of Agriculture or agency thereto.

**Volume Control** – SWM controls, or BMPs, used to remove a predetermined amount of runoff or the increase in volume between the pre- and post-development design storm.

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

**Watershed** – The entire region or area drained by a watercourse.

**Waters of this 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 Pennsylvania.

**Wetland** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence

of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ferns, and similar areas.

**Woodland** – Land predominantly covered with trees and shrubs. Without limiting the foregoing, Woodlands include all land areas of 10,000 square feet or greater, supporting at least 100 trees per acre, so that either (i) at least 50 trees are two inches or greater in [diameter at breast height] [(DBH)], or (ii) 50 trees are at least 12 feet in height.

## **ARTICLE III. STORMWATER MANAGEMENT STANDARDS**

### **SECTION 3.01 GENERAL REQUIREMENTS**

- A. Preparation of a SWM Site Plan is required for all regulated activities, unless preparation and submission of the SWM Site Plan is specifically exempted according to Section 5.01 Section 5.01 or the activity qualifies as a Small Project.
- B. No regulated activities shall commence until the Township issues unconditional written approval of a SWM Site Plan or Stormwater Permit.
- C. The Township may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law. The Township shall maintain a record of consultations with DEP pursuant to this paragraph. Where an NPDES permit for stormwater discharges associated with construction activities is required, issuance of an NPDES permit shall constitute satisfaction of consultation with DEP.
- D. For all regulated activities, erosion and sediment control and stormwater management BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual)<sup>9</sup>, No. 363-2134-008 (March 2012), as amended and updated, and the BMP Manual.
- E. Developers have the option to propose a Regional Stormwater Management Plan or participate in a Regional Stormwater Management Plan developed by others. A Regional Stormwater Management Plan may include offsite volume and rate control, as appropriate and supported by a detailed design approved by the Township in accordance with Section 3.01C. A Regional Stormwater Management Plan must meet all of the volume and rate control standards required by this Ordinance for the area defined by the Regional Stormwater Management Plan, but not necessarily for each individual Development Site. Appropriate agreements must be established to ensure the requirements of this ordinance and the requirements of the Regional Stormwater Management Plan are met.
- F. Impervious areas:
  - (1) The measurement of impervious area shall include all of the impervious areas in the total proposed development even if development is to take place in stages or phases.
  - (2) For development taking place in stages or phases, the entire development plan must be used in determining conformance with this Ordinance.

- (3) Any areas designed to initially be gravel or crushed stone shall be assumed to be impervious.

- G. All regulated activities shall include such measures as necessary to:
  - (1) Protect health, safety, and property;
  - (2) Meet the water quality goals of this Ordinance by implementing measures to:
    - (a) Protect and/or improve the function of floodplains, wetlands, and wooded areas.
    - (b) Protect and/or improve native plant communities including those within the riparian corridor.
    - (c) Protect and/or improve natural drainageways from erosion.
    - (d) Minimize thermal impacts to waters of this Commonwealth.
    - (e) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
  - (3) To the maximum extent practicable, the techniques for Low Impact Development (LID) Practices described in the BMP Manual shall be incorporated. The proposed LID Practices shall be noted on the Storm Water Management Site Plan.
- H. The design of all SWM Facilities over karst shall include an evaluation of measures to minimize adverse effects.
- I. Infiltration BMPs shall be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance. Infiltration BMPs shall include pretreatment BMPs unless shown to be unnecessary.
- J. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and Development Site conditions and shall be constructed on soils that have the following characteristics:
  - (1) A minimum depth of 24 inches between the bottom of the facility and the limiting zone, unless it is demonstrated to the satisfaction of the Township that the selected BMP has design criteria which allow for a smaller separation.
  - (2) A stabilized infiltration rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Applicant's professional designer.
    - (a) The stabilized infiltration rate is to be determined in the same location and within the same soil horizon as the bottom of the infiltration facility.
    - (b) The stabilized infiltration rate is to be determined as specified in the BMP Manual.

- K. The calculation methodology to be used in the analysis of volume and peak rates of discharge shall be as required in Section 3.05 (Calculation Methodology).
- L. A planting plan is required for all vegetated stormwater BMPs.
  - (1) Native or Naturalized/Non-invasive Vegetation suitable to the soil and hydrologic conditions of the Development Site shall be used unless otherwise specified in the BMP Manual.
  - (2) Invasive Vegetation may not be included in any planting schedule.
  - (3) The limit of existing, native vegetation to remain shall be delineated on the plan along with proposed construction protection measures.
  - (4) All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc. in the American Standard of Nursery Stock.
- M. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Staging of earthmoving activities and selection of construction equipment should consider this protection.
- N. Infiltration BMPs shall not be constructed nor receive runoff from disturbed areas until the entire contributory drainage area to the infiltration BMP has achieved final stabilization.
- O. Stormwater Easements
  - (1) A minimum ten (10) foot wide access easement shall be provided for all stormwater serving multiple properties and not located within a public right-of-way. Easements shall provide for ingress and egress to a public right-of-way.
  - (2) Drainage easements shall be provided where the conveyance, treatment, or storage of stormwater, either existing or proposed, is identified on the SWM Site Plan. Drainage easements shall be provided to contain and convey the 100-year frequency flood.
  - (3) Stormwater facilities not located within a public right of way shall be contained in and centered within a minimum 20 foot wide stormwater management easement. All easements shall have adequate information to be located in the field.
  - (4) Stormwater management easements are required for all on-site areas used to convey stormwater of 2cfs or greater for a 100 year storm. Roof drains do not require stormwater management easements.
  - (5) Unless a concentrated discharge of stormwater to an adjacent property is within an existing watercourse, an easement burdening the adjacent property shall be required.

- (6) Where a Development Site is traversed by watercourses other than permanent streams, a drainage easement shall be provided conforming substantially to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may affect adversely the flow of stormwater within any portion of the easement.
  - (7) Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- P. The Township may require additional stormwater control measures for stormwater discharges to special management areas including but not limited to:
- (1) Water bodies listed as “impaired” on Pennsylvania’s Clean Water Act 303(d)/305(b) Integrated List.
  - (2) Any water body or watershed with an approved Total Maximum Daily Load (TMDL).
  - (3) Critical areas with sensitive resources (e.g., state-designated special protection waters, cold water fisheries, carbonate or other groundwater recharge areas highly vulnerable to contamination, drainage areas to water supply reservoirs, source water protection zones, etc.)
- Q. Non-Roof drains and sump pumps shall be tributary to infiltration or vegetative BMPs. Use of catchment facilities for the purpose of reuse is also permitted.
- R. Unless specifically approved by the Township in light of circumstances unique to the site, roof drains shall not be connected to streets, sanitary or storm sewers or to roadside ditches and instead shall discharge to infiltration areas or vegetative BMPs.

## **SECTION 3.02 VOLUME CONTROLS**

Volume control BMPs are intended to maintain existing hydrologic conditions for small storm events by promoting groundwater recharge and/or evapotranspiration as described in this section. Runoff volume controls shall be implemented using the *Design Storm Method* described in Section 3.02A below, or through continuous modeling approaches or other means as described in the BMP Manual. Small Projects may use the method described in Section 3.02B to design volume control BMPs.

- A. The *Design Storm Method* is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
- (1) Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour storm event.
  - (2) For modeling purposes:
    - (a) Existing (pre-development) non-forested pervious areas must be considered meadow in good condition.

- (b) When the existing project site contains impervious area, twenty percent (20%) of existing impervious area to be disturbed shall be considered meadow in good condition in the model for existing conditions.
- (c) The maximum loading ratio for volume control facilities in Karst areas shall be 3:1 impervious drainage area to infiltration area and 5:1 total drainage area to infiltration area. The maximum loading ratio for volume control facilities in non-Karst areas shall be 5:1 impervious drainage area to infiltration area and 8:1 total drainage area to infiltration area. A higher ratio may be approved by the Township if justification is provided. Hydraulic depth may be used as an alternative to an area-based loading ratio if the design hydraulic depth is shown to be less than the depth that could result from the maximum area loading ratio.

- B. Volume Control for Small Projects
  - (1) At least the first one inch (1") of runoff from new impervious surfaces or an equivalent volume shall be permanently removed from the runoff flow – i.e. it shall not be released into the surface Waters of this Commonwealth. Removal options include reuse, evaporation, transpiration and infiltration.
- C. A detailed geologic evaluation of the Development Site shall be performed in areas of carbonate geology to determine the design parameters of recharge facilities. A report shall be prepared in accordance with Section 4.05A of this Ordinance.
  - (1) If the developer can prove through analysis that the development site is in an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formations, then the development site is exempt from volume control requirements as described in this chapter. However, the development site shall still be subject to NPDES and E&S requirements.
- D. Storage facilities, including normally dry, open top facilities, shall completely drain the volume control storage over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. Any designed infiltration at such facilities is exempt from the minimum 24 hour standard, i.e. may infiltrate in a shorter period of time, provided that none of this water will be discharged into Waters of this Commonwealth.
- E. Any portion of the volume control storage that meets the following criteria may also be used as rate control storage;
  - (1) Volume control storage that depends on infiltration is designed according to the infiltration standards in Section 3.01.
  - (2) The volume control storage which will be used for rate control is that storage which is available within 24 hours from the end of the design storm based on the stabilized infiltration rate and/or the evapotranspiration rate.
- F. Applicable worksheets from of the BMP Manual shall be used when establishing Volume Controls.

### **SECTION 3.03 RATE CONTROLS**

Rate control for large storms, up to the 100-year event, is essential to protect against immediate downstream erosion and flooding.

- A. Match Pre-development Hydrograph. Applicants shall provide infiltration facilities or utilize other techniques which will allow the post-development 100 year hydrograph to match the pre-development 100 year hydrograph, along all parts of the hydrograph, for the Development Site. To match the pre-development hydrograph, the post-development peak rate must be less than or equal to the pre-development peak rate, and the post-development runoff volume must be less than or equal to the pre-development volume for the same storm event. A shift in hydrograph peak time of up to five minutes and a rate

variation of up to 5% at a given time may be allowable to account for the timing effect of BMPs used to manage the peak rate and runoff volume. “Volume Control” volumes as given in Section 3.02 above may be used as part of this option.

- B. Where the pre-development hydrograph cannot be matched, the calculated post-development peak rate of storm water runoff from any regulated activity shall not exceed the calculated pre-development peak rate of runoff for all design storms (two-, five-, ten-, twenty-five-, fifty-, and one-hundred-year 24-hour storms\*).

\* A 24 hour SCS type II storm or an IDF Curve Rational Method storm. See Table 2 in Section 3.05 or (NOAA) Atlas 14 data for the specific project site..

- C. All basins not including groundwater recharge and/or water quality storage shall include an outlet structure to allow for draining the basin to a completely dry position within 24 hours following the end of the design rainfall. All basins that include groundwater recharge and/or water quality storage shall include an outlet structure to allow draining the basin to the level of the groundwater recharge and/or water quality storage within 24 hours following the end of the design rainfall.
- D. A variety of BMPs should be employed and tailored to suit the Development Site. The following is a partial listing of BMPs which can be utilized in SWM systems for rate control where appropriate:
- (1) Decreased impervious surface coverage.
  - (2) Routed flow over grass.
  - (3) Grassed channels and vegetated strips.
  - (4) Bio-retention areas (rain gardens).
  - (5) Concrete lattice block or permeable surfaces.
  - (6) Seepage pits, seepage trenches or other infiltration structures.
  - (7) Rooftop detention.
  - (8) Parking lot detention.
  - (9) Cisterns and underground reservoirs.
  - (10) Amended soils.
  - (11) Retention basins.
  - (12) Detention basins.
  - (13) Other methods as may be found in the BMP Manual.
- E. Small Projects are not required to provide for Rate Control.

### **SECTION 3.04 STORMWATER MANAGEMENT PERFORMANCE STANDARDS**

- A. Runoff from impervious areas shall be drained to pervious areas within the Development Site to the maximum extent practicable.
- B. Stormwater runoff from a Development Site to an adjacent property shall flow directly into a natural drainageway, watercourse, or into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics of the pre-development flow.
- C. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s) by the developer. Such stormwater flows shall be subject to the requirements of this Ordinance, including the establishment of a drainage easement. Copies of all such notifications shall be included in SWM Site Plan submissions.
- D. Existing on-site natural and man-made SWM Facilities shall be used to the maximum extent practicable.
- E. Stormwater runoff shall not be transferred from one sub-watershed to another unless they are sub-watersheds of a common watershed that join together within the perimeter of the Development Site and the effect of the transfer does not alter the peak discharge onto adjacent lands.
- F. Minimum floor elevations for all structures that would be affected by a basin, other temporary impoundments, or open conveyance systems where ponding may occur shall be two (2) feet above the 100-year water surface elevation. If basement or underground facilities are proposed, detailed calculations addressing the effects of stormwater ponding on the structure and water-proofing and/or flood-proofing design information shall be submitted for approval.
- G. All stormwater conveyance facilities (excluding detention, retention, and wetland basin outfall structures) shall be designed to convey a 25-year storm event\*. All stormwater conveyance facilities (excluding detention, retention, and wetland basin outfall structures) conveying water originating from offsite shall be designed to convey a 50-year storm event\*. Safe conveyance of the 100-year runoff event\* to appropriate peak rate control BMPs and throughout the site must be demonstrated in the design.

\* A 24 hour SCS Type II storm or an IDF Curve Rational Method storm.

- H. Erosion protection shall be provided along all open channels, and at all points of discharge. Flow velocities from any storm sewer may not result in erosion of the receiving channel.

### **SECTION 3.05 CALCULATION METHODOLOGY**

- A. Any stormwater runoff calculations involving drainage areas greater than 200 acres and time of concentration (Tc) greater than 60 minutes, including on- and off-site areas, shall use generally accepted calculation techniques based on the NRCS soil-cover complex method with the rainfall depths provided in Table 2, or other method acceptable to the Township Engineer.
- B. Stormwater runoff from all Development Sites shall be calculated using either the modified rational method, a soil-cover-complex methodology, or other method acceptable to the Township. Table 1 summarizes acceptable computation methods. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular Development Site.

**Table 1**

<b>ACCEPTABLE COMPUTATION METHODOLOGIES FOR STORMWATER MANAGEMENT PLANS</b>		
<b>METHOD</b>	<b>METHOD DEVELOPED BY</b>	<b>APPLICABILITY</b>
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
WinTR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55.
HEC-1 / HEC-HMS	US Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For development sites less than 200 acres, Tc<60 min. or as approved by the Township.
EFH2	USDA NRCS	Applicable in rural and undeveloped areas subject to the Program Limits.
Other Methods	Varies	Other methodologies approved by the Township.

- C. If the SCS method is used, Antecedent Moisture Condition 1 is to be used in areas of carbonate geology, and Antecedent Moisture Condition 2 is to be used in all other areas. A type II distribution shall be used in all areas.

**Table 2**

Storm Event (years)	Rainfall (inches)
2	3.1
5	4.1
10	5.0
25	5.5
50	6.2
100	7.0

- D. If the Rational Method is used, the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 data (see item “B” above) or PennDOT Publication 584 “PennDOT Drainage Manual,” 2010 Edition, or latest, or the PDT-IDF chart included in APPENDIX B shall be used to determine the rainfall intensity in inches per hour based on the information for the 5 through 60 minute duration storm events.
- E. Hydrographs may be obtained from NRCS methods such as TR-55, TR20, or from use of the “modified” or “unit hydrograph” rational methods. If “modified” or “unit hydrograph” rational methods are used, the ascending leg of the hydrograph shall have a length equal to three times the time of concentration ( $3 \times T_c$ ) and the descending leg shall have a length equal to 7 times the time of concentration ( $7 \times T_c$ ) to approximate an SCS Type II hydrograph.<sup>11</sup>
- F. Runoff calculations shall include a hydrologic and hydraulic analysis indicating volume and velocities of flow and the grades, sizes, and capacities of water carrying structures, sediment basins, retention and detention structures and sufficient design information to construct such facilities. Runoff calculations shall also indicate both pre-development and post-development rates for peak discharge of stormwater runoff from all discharge points.
- G. For the purpose of calculating pre-development peak discharges, all runoff coefficients, both on-site and off-site, shall be based on actual land use assuming summer or good land conditions. Post-development runoff coefficients for off-site discharges used to design conveyance facilities shall be based on actual land use assuming winter or poor land conditions.
- H. Criteria and assumptions to be used in the determination of stormwater runoff and design of management facilities are as follows:
  - (1) Runoff coefficients shall be based on the information contained in APPENDIX C and APPENDIX D if the actual land use is listed in those Appendices. If the actual land use is not listed in these Appendices, runoff coefficients shall be chosen from other published documentation, and a copy of said documentation shall be submitted with the SWM Site Plan.
  - (2) A sample worksheet for calculating  $T_c$  is provided in APPENDIX H. Times of concentration ( $T_c$ ) shall be based on the following design parameters:
    - (a) Sheet flow: The maximum length for each reach of sheet or overland flow before shallow concentrated or open channel flow develops is one hundred fifty (150) feet. Flow lengths greater than one hundred (100) feet shall be justified based on the actual conditions at each Development Site. Sheet flow may be determined using the nomograph in APPENDIX F, or the Manning’s kinematic solution shown in the Sheet Flow section of Worksheet No. 1 in APPENDIX H.
    - (b) Shallow concentrated flow: Travel time for shallow concentrated flow shall be determined using Figure 3-1 from TR-55, Urban Hydrology for small watersheds, as shown in APPENDIX G.

- (c) Open Channel flows: At points where sheet and shallow concentrated flows concentrate in field depressions, swales, gutters, curbs, or pipe collection systems, the travel times to downstream end of the Development Site between these design points shall be based upon Manning's Equation and/or acceptable engineering design standards as determined by the Township Engineer.
  - (3) The developer may use stormwater credits for Non-Structural BMPs in accordance with the BMP Manual. The allowable reduction will be determined by the Township Engineer.
  - (4) Peak rate control is not required for off-site runoff. Off-site runoff may be bypassed around the site provided all other discharge requirements are met. If offsite runoff is routed through rate control facilities, runoff coefficients for off-site discharges used to design those rate control facilities shall be based on actual land use assuming winter or poor land conditions.
- I. 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. Supporting documentation and calculations must be submitted for review and approval

### **SECTION 3.06 RIPARIAN CORRIDORS**

- A. In order to protect and improve water quality, a Riparian Corridor Easement is encouraged to be created and recorded as part of any Land Development that encompasses a Riparian Corridor.
- B. Except as otherwise required by Chapter 102, the Riparian Corridor Easement shall be measured to be the greater of the limit of the 100-year floodplain or 35 feet from the top of streambank (on each side).
- C. Minimum Management Requirements for Riparian Corridors.
  - (1) Existing native vegetation shall be protected and maintained within the Riparian Corridor Easement.
  - (2) Whenever practicable, invasive vegetation shall be actively removed and the Riparian Corridor Easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site.
  - (3) Any un-vegetated areas within the corridor shall be established with permanent vegetation.
- D. The Riparian Corridor Easement shall be enforceable by the Township and shall be recorded in the Lancaster County Recorder of Deeds Office, so that it shall run with the

land and shall limit the use of the property located therein. The easement shall allow for continued private ownership and shall not be deemed a public right-of-way nor imply public rights of access.

- E. Any permitted use within the Riparian Corridor Easement shall be conducted in a manner that will maintain the stream stability, and preserve and protect the ecological function of the floodplain.
- F. The following conditions shall apply when public and/or private recreation trails are permitted within Riparian Corridors:
  - (1) Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

### **SECTION 3.07 ABOVE-GROUND STORAGE FACILITY DESIGN CRITERIA**

Above-ground storage facilities consist of all stormwater facilities which store, infiltrate/evaporate/transpire, clean or otherwise affect stormwater runoff, and the top of which is exposed to the natural environment. Above-ground storage facilities are located above the finished ground elevation. Above-ground storage facilities do not include SWM Facilities designed for conveyance or cisterns.

- A. All basins shall be structurally sound and shall be constructed of sound and durable materials. The completed structure and the foundation of all basins shall be stable under all probable conditions of operation.
- B. Design criteria. Above-ground storage facilities shall comply with the design criteria in the following table:

Above-ground Storage Facility Design Criteria			
	Facility Depth		
	Less than 2 feet	2 feet to 6 feet	Greater than 6 feet
(a) Embankment Geometry			
[1] Top width (minimum)	2 feet	5 feet	8 feet
[2] Interior side slope (maximum)	2 : 1	3 : 1	5 : 1
[3] Exterior side slope (maximum)	2 : 1	3 : 1	3 : 1

Above-ground Storage Facility Design Criteria			
	Facility Depth		
	Less than 2 feet	2 feet to 6 feet	Greater than 6 feet
(b) Embankment construction			
[1] Key trench	Not required	Required	Required
[2] Pipe collar	Not required	Required	Required
[3] Compaction density	Not required	Required	Required
(c) Internal Construction			
[1] Dewatering feature	N/A	Required	Required
[2] Pretreatment elements	Not required*	Required	Required
(d) Outlet Structure			
[1] Pipe size (minimum)	6 inches	12 inches	15 inches
[2] Pipe material	SLHDPE, PVC, RCP	SLHDPE, RCP	RCP
[3] Anticlogging devices	Required	Required	Required
[4] Antivortex design	Not required	Required	Required
[5] Watertight joints in piping?	No	Yes	Yes
(e) Spillway Requirements			
[1] Spillway freeboard (minimum)	Not required	6 inches	12 inches
[2] Width (minimum)	Not required	10 feet	20 feet
[3] Width (maximum)	Not required	50 feet	50 feet
[4] Spillway channel design	Not required	Required	Required

Above-ground Storage Facility Design Criteria			
	Facility Depth		
	Less than 2 feet	2 feet to 6 feet	Greater than 6 feet
[5] Routing of 100 year storm	Permitted	Permitted	Permitted

\*Pretreatment required for infiltration BMPs unless shown to be unnecessary.

N/A = Not applicable

SLHDPE = Smooth lined high density polyethylene pipe; PVC = Polyvinyl chloride;

RCP = Reinforced concrete pipe

#### C. Facility depth.

- (1) For the purposes of the design criteria, the facility depth is defined to be the depth between the bottom invert of the lowest orifice and the invert of the spillway. If there is no spillway, the top of the berm shall be used. For basins with no orifices or outlet structure at the bottom of the basin, the bottom elevation of the basin shall be used.
- (2) Facilities with a facility depth greater than six feet (6 feet) shall not be permitted in residential areas.
- (3) Facilities with a facility depth greater than 15 feet require a dam permit from DEP.
- (4) The maximum depth of water for above ground storage facilities without restricted access shall not exceed six (6) feet unless approved by modification or waiver by The Board of Supervisors. Access to basins with a maximum depth of water greater than six (6) feet shall be restricted by fencing that will discourage access.

#### D. Embankment construction.

- (1) Impervious core/key trench. An impervious core/key trench, when required, shall consist of a cutoff trench (below existing grade) and a core trench (above existing grade). A key trench may not be required wherever it can be shown that another design feature, such as the use of an impermeable liner, accomplishes the same purpose.
  - (a) Materials used for the core shall conform to the Unified Soil Classification GC, SC, CH, or CL and must have at least 30% passing the No. 200 sieve.

- (b) The dimensions of the core shall provide a minimum trench depth of two (2) feet below existing grade, minimum width of four (4) feet and side slope of 1H:1V or flatter.
  - (c) The core should extend up both abutments to the 10-year water surface elevation or six (6) inches below the emergency spillway elevation, whichever is lower.
  - (d) The core shall extend four (4) feet below any pipe penetrations through the impervious core. The core shall be installed along or parallel to the centerline of the embankment.
  - (e) The area under the embankment shall be cleared, grubbed and stripped of topsoil to a depth of two feet prior to any placement and compaction of earth fill.
- (2) Compaction.
- (a) Compaction requirements shall be the same as those for the embankment to assure maximum density and minimum permeability.
  - (b) The core shall be constructed concurrently with the outer shell of the embankment. Core and key trench shall be constructed to a minimum of 95 % Standard Proctor Density.
  - (c) The trench shall be dewatered during backfilling and compaction operations.
- (3) Pipe collars. All pipe collars, when required, shall be designed in accordance with Chapter 7 of the E&S Manual. The material shall consist of concrete or otherwise non-degradable material around the outfall barrel and shall be watertight.
- (4) Embankment fill material. The embankment fill material shall be taken from an appropriate borrow area which shall be free of roots, stumps, wood, rubbish, stones greater than 6 inches, frozen or other objectionable materials.
- (5) Embankment compaction. When required, embankments shall be compacted by sheepfoot or pad roller. The loose lift thickness shall be nine (9) inches or less, depending on roller size, and the maximum particle size is six (6) inches or less (two-thirds of the lift thickness). Five passes of the compaction equipment over the entire surface of each lift is required. Embankment compaction to visible non-movement is also required.

E. Internal construction.

- (1) Bottom slope. The minimum bottom slope of facilities not designed for infiltration shall be one percent (1%). A flatter slope may be used if an equivalent dewatering mechanism is provided.
- (2) Dewatering features. When required, dewatering shall be provided through the use of underdrain, surface device, or alternate approved by the Township

Engineer. If the facility is to be used for infiltration, the dewatering device should be capable of being disconnected and only be made operational if the basin is not dewatering within the required timeframe.

- (3) Pretreatment elements. When required, pretreatment elements shall consist of forebays, or alternate approved by the Township Engineer, to keep silt to a smaller portion of the facility for ease of maintenance.
- (4) Infiltration basins. Within basins designed for infiltration, existing native vegetation shall be preserved, if possible. For existing unvegetated areas or for infiltration basins that require excavation, a planting plan shall be prepared in accordance with § 301.N and the BMP Manual which is designed to promote infiltration.

F. Outlet configuration.

- (1) For facilities with a depth of two (2) feet or greater, a type D-W endwall or riser box outlet structure shall be provided.
- (2) For facilities with a depth less than two (2) feet, the designer must specify a suitable outlet structure.
- (3) All discharge control devices with appurtenances shall be made of reinforced concrete and stainless steel. Bolts/fasteners shall be stainless steel.

- G. Spillway.
  - (1) Material. The spillway shall be designed to provide a non-erosive, stable condition when the project is completed.
  - (2) Non-emergency use. Use of the spillway to convey flows greater than the 50-year design storm is permitted.
  - (3) Emergency use. The spillway shall be designed to convey the 100-year peak rate of runoff which enters the basin after development in a manner which will not damage the integrity of the facility and will not create a downstream hazard.
  - (4) When required, freeboard shall be measured from the top of the water surface elevation for emergency use.
- H. Breach analysis. The Township may require a breach analysis based on site-specific conditions and concern of threat for downstream property. When required, the breach analysis shall be conducted in accordance with the NRCS methodology, the US Army Corps of Engineers methodology (HEC-1) or other methodologies as approved by the Township.
- I. SWM Facilities which qualify as a dam per DEP regulations or facilities deemed a potential threat to the life, safety or welfare of the general public shall be subject to the following requirements:
  - (1) Facilities which qualify as a dam per DEP regulation shall obtain the required permit through DEP and design the facility in accordance with DEP standards.
  - (2) Additional requirements and analysis may be required by the Township to prove that the proposed facility has been designed to limit the potential risk to the life, safety or welfare of the general public.

### **SECTION 3.08 SUBSURFACE STORAGE FACILITY DESIGN CRITERIA**

Subsurface storage facilities consist of all stormwater facilities which store, infiltrate/evaporate/transpire, clean or otherwise affect stormwater runoff and the top of which is not exposed to the natural environment. Subsurface facilities are located below the finished ground elevation. Subsurface facilities do not include SWM Facilities designed for conveyance.

A. Subsurface storage facilities shall comply with the design criteria in the following table:

<b>Subsurface storage facility design criteria</b>		
	<b>Facility Type</b>	
	<b>Infiltration and Storage</b>	<b>Storage without Infiltration</b>
<b>(a) Facility Geometry</b>		
[1] Depth from surface (maximum)	2 feet less than limiting zone	N/A
[2] Loading ratio (maximum)	Per BMP Manual*	N/A
<b>(b) Distribution System Requirements</b>		
[1] Pipe size (minimum)	4 inches	4 inches
[2] Pretreatment	Required	Required
[3] Loading/balancing	Required	Not required
[4] Observation/access ports	Required	Required

\*Unless otherwise determined by professional geologic evaluation.

B. Distribution system requirements.

- (1) Pretreatment requirements. The facility shall be designed to provide a method to eliminate solids, sediment, and other debris from entering the subsurface facility.
- (2) Loading/balancing. The facility shall be designed to provide a means of evenly balancing the flow across the surface of the facility to be used for infiltration.
- (3) Observation/access ports.
  - (a) For facilities with the bottom less than five (5) feet below the average grade of the ground surface, a clean-out shall be an acceptable observation port.

- (b) For facilities with the bottom five (5) feet or more below the average grade of the ground surface, a manhole or other means acceptable to the Township shall be provided for access to and monitoring of the facility.
- (c) The number of access points shall be sufficient to flush or otherwise clean out the system.

C. Materials.

- (1) Pipe material. Distribution system piping may be PVC, SLHDPE, or RCP.
- (2) Stone for infiltration beds. The stone used for infiltration beds shall be clean washed, uniformly graded coarse aggregate. The void ratio for design shall be assumed to be 40 percent.
- (3) Backfill material. Material consistency and placement depths for backfill shall be (at a minimum) per all applicable pipe manufacturer's recommendations, further providing it should be free of large (not exceeding 6 inches in any dimension) objectionable or detritus material. Select non-aggregate material should be indigenous to the surrounding soil material for non-vehicular areas. Backfill within vehicular areas shall comply with this section unless otherwise specified in the Township Subdivision and Land Development or Road Ordinance or by the Township Engineer. Furthermore, if the design concept includes the migration of runoff through the backfill to reach the infiltration facility, the material shall be well drained, free of excess clay or clay-like materials and generally uniform in gradation.
- (4) Lining material. Non-woven geotextiles shall be placed on the sides and top of subsurface infiltration facilities. No geotextiles shall be placed on the bottom of subsurface infiltration facilities.

D. Cover.

- (1) When located under pavement, the top of the subsurface facility shall be a minimum of three (3) inches below the bottom of pavement subbase.
- (2) Where located under vegetative cover, the top of the subsurface facility shall be a minimum of 12 inches below the surface elevation or as required to establish vegetation.

E. Subsurface facilities shall be designed to safely convey and/or bypass flows from storms exceeding the design storm.

F. Infiltration facilities shall be designed with measures to protect infiltration facilities from compaction and sedimentation during and after construction.

### **SECTION 3.09 CONVEYANCE FACILITY DESIGN CRITERIA**

Conveyance facilities consist of all stormwater facilities which carry flow, which may be located either above or below the finished grade. Conveyance facilities do not include SWM Facilities which store, infiltrate/evaporate/transpire, or clean stormwater runoff.

- A. Design criteria. Conveyance facilities shall comply with the design criteria in the following table:

Conveyance facility design criteria			
Location	Within public street right-of-way	Outside public street right-of-way	
Loading	All	Vehicular loading	Non-vehicular loading
(a) Pipe design			
[1] Material	SLHDPE, RCP	PVC, SLHDPE, RCP	PVC, SLHDPE, RCP
[2] Slope (minimum)	0.5%	0.5%	0.5%
[3] Cover	1 foot to stone subgrade	1 foot to stone subgrade	1 foot to surface
[4] Diameter (minimum)	15 inches	12 inches	8 inches
[5] Street crossing angle	75° to 90°	N/A	N/A
[6] Access/maintenance port frequency (maximum)	400 feet	400 feet	600 feet
(b) Inlet design			
[1] Material	Concrete	Concrete	N/A
[2] Grate depression	½-1 inches	2 inches	1 inch minimum
(c) Manhole design			
[1] Material	Concrete	Concrete	Concrete

Conveyance facility design criteria			
Location	Within public street right-of-way	Outside public street right-of-way	
Loading	All	Vehicular loading	Non-vehicular loading
(d) Swale design			
[1] Freeboard (minimum)	6 inches	N/A	6 inches
[2] Velocity (maximum)	Stability check	N/A	Stability check
[3] Slope (minimum)	1%	N/A	1%
[4] Side slopes (residential area)	4 : 1 max	N/A	4 : 1 max
[5] Side slopes (non-residential area)	4 : 1 max	N/A	3 : 1 max
[6] Bottom width to flow depth ratio	12 : 1	N/A	12 : 1
(e) Outlet design			
[1] End treatment	Headwall/endwall	N/A	Headwall/ endwall or flared end section
[2] Energy dissipater	Required	N/A	Required

N/A = Not applicable or no criteria specified

SLHDPE = Smooth lined high density polyethylene pipe; PVC = Polyvinyl chloride;

RCP = Reinforced concrete pipe

- B. Conveyance pipes, culverts, manholes, inlets and endwalls within the public street right-of-way or proposed for dedication shall conform to the requirements of PennDOT Standards for Roadway Construction, Publication No. 72M as directed by the Township Engineer.
- C. Conveyance pipes, culverts, manholes, inlets and endwalls outside the public street right-of-way which are subject to vehicular loading shall be designed for the HS-25 loading condition.
- D. All material and workmanship for conveyance facilities shall conform to current PennDOT 408 specifications.
- E. Conveyance pipes.
  - (1) Backfill requirements. Backfill material. Material consistency and placement depths for backfill shall be (at a minimum) per all applicable pipe manufacturer's recommendations, further providing it should be free of large (not exceeding 6 inches in any dimension) objectionable or detritus material. Select non-aggregate material should be indigenous to the surrounding soil material for non-vehicular areas. Backfill within vehicular areas shall comply with this section unless otherwise specified in the Township Subdivision and Land Development or Road Ordinance or by the Township Engineer.
  - (2) Inlets or manholes shall be placed at all points of changes in the horizontal or vertical directions of conveyance pipes. Curved pipe sections are prohibited.
  - (3) Access/maintenance ports. An access/maintenance port is required and may either be an inlet or manhole.
  - (4) Watertight joints shall be provided where pipe sections are joined, except for perforated pipe installed as pavement base drain.
  - (5) The street crossing angle shall be measured between the pipe centerline and the street centerline.
  - (6) Elliptical pipe of an equivalent cross-sectional area may be substituted in lieu of circular pipe where cover or utility conflict conditions exist.
  - (7) The roughness coefficient (Manning "n" values) used for conveyance pipe capacity calculations should be determined in accordance with APPENDIX E, or per the manufacturer's specifications.

- F. Inlets.
  - (1) All pipes must enter inlets completely through one of the sides. No corner entry of pipes is permitted.
  - (2) Within the public street right-of-way, the gutter spread based on the 25-year storm shall be no greater than one half of the travel lane and have a maximum depth of three inches (3 inches) at the curb line. A parking lane shall not be considered as part of the travel lane. In the absence of pavement markings separating a travel

- lane from the parking lane, the parking lane shall be assumed to be seven feet (7 feet) wide if parking is permitted on the street.
- (3) Flow depth within intersections. Within intersections of streets, the maximum depth of flow shall be one and one-half inches (1 ½ inches) based on the 25-year storm.
  - (4) Curbed streets.
    - (a) Inlets in streets shall be located along the curb line.
    - (b) Top units shall be PennDOT Type "C". The hood shall be aligned with the adjacent curb height.
  - (5) All inlets placed in paved areas shall have heavy duty bicycle-safe grating consistent with PennDOT Publication 72M, latest edition. A note to this effect shall be added to the SWM Site Plan or inlet details therein.
  - (6) Inlets, junction boxes, or manholes greater than five feet (5 feet) in depth shall be equipped with ladder rungs and shall be detailed on the SWM Site Plan.

G. Swales.

- (1) A swale shall be considered as any man-made ditch designed to convey stormwater directly to another stormwater management facility or surface waters.
- (2) Inlets within swales shall have PennDOT Type "M" top units or equivalent approved by the Township Engineer.
- (3) Swale capacities and velocities shall be computed using the Manning equation using the following design parameters:
  - (a) The first condition shall consider swale stability based upon a low degree of retardance ("n" = 0.03);
  - (b) The second condition shall consider swale capacity based upon a higher degree of retardance ("n" = 0.05); and
  - (c) All vegetated swales shall have a minimum slope of 1% unless otherwise approved by the Township Engineer.
  - (d) The "n" factors to be used for paved or riprap swales or gutters shall be based upon accepted engineering design practices, as approved by the Township Engineer.

(4) All swales shall be designed to maximize infiltration and concentrate low flows to minimize siltation and meandering, unless geotechnical conditions do not permit infiltration.

H. Culverts. In addition to the material requirements in this section, culverts designed to convey Waters of this Commonwealth may be constructed with either a corrugated metal arch or a precast concrete culvert.

I. Level spreaders.

- (1) Shall discharge at existing grade onto undisturbed vegetation.
- (2) Discharge at a depth not exceeding 3.0 inches for a 50-year, 24-hour design storm.

J. Energy dissipaters. Energy dissipaters shall be designed in accordance with the requirements in the E&S Manual.

K. End treatments.

- (1) Where the connecting pipe has a diameter 18 inches or greater, headwalls and endwalls shall be provided with a protective barrier device to prevent entry of the storm sewer pipe by unauthorized persons. Such protection devices shall be designed to be removable for cleaning.
- (2) Headwalls and endwalls shall be constructed of concrete.
- (3) Flared end sections shall be of the same material as the connecting pipe and be designed for the size of the connecting pipe.

### **SECTION 3.10 RESERVE.**

## **ARTICLE IV. STORMWATER MANAGEMENT SITE PLANS**

### **SECTION 4.01 GENERAL PLAN REQUIREMENTS**

- A. The SWM Site Plan shall consist of a narrative and all applicable calculations, maps, plans and supplemental information necessary to demonstrate compliance with this Ordinance.
- B. All landowners of land included in the SWM Site Plan shall be required to execute all applications and final documents.
- C. All SWM Site Plans and calculations shall be prepared and sealed by a Qualified Person. All stormwater designs, assumptions, methods and data must be presented in a manner acceptable to the Township Engineer.
- D. Where the regulated activity constitutes subdivision or land development as hereinabove defined, the SWM Site Plan shall be submitted with and form an integral part of the plans required under the Township Subdivision and Land Development Ordinance.
- E. All stormwater management materials shall be submitted in a format that is clear, concise, legible, neat and well organized.
- F. All coordinates as depicted on the plan shall be based on the following:
  - (1) Horizontal datum shall be referenced to the PA South Zone State Plane Coordinate System (NAD83).
  - (2) Vertical datum shall be referenced to NAVD 88.

### **SECTION 4.02 DRAFTING STANDARDS**

- A. The Plan shall be clearly and legibly drawn.
- B. If the Plan is prepared in two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet.
- C. Each sheet shall be numbered to show the relationship to the total number of sheets in the Plan (e.g. Sheet 1 of 5).
- D. Drawings or maps of the project area shall be drawn at 1" = 50' or larger scale (i.e. 1" = 40', 1" = 30', etc.) and shall be submitted on 24-inch x 36-inch sheets. The drainage area maps can be submitted at any scale provided the maps are legible.
- E. SWM Site Plans shall be prepared in a form that meets the requirements for recording for the Office of the Recorder of Deeds of Lancaster County.
- F. The total Development Site boundary and size with distances marked to the nearest foot and bearings to the nearest degree shall be clearly indicated on the Plan.

## **SECTION 4.03 SWM SITE PLAN INFORMATION**

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

- A. The date of the SWM Site Plan and latest revision, graphic scale, written scale and North arrow.
- B. 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.
- C. The file or project number assigned by the firm that prepared the Plan.
- D. Certificate for Approval by the Township Board of Supervisors or Designee. See Appendix A Certificate for Approval By Providence Township Board of Supervisors or Designee.
- E. Certificate, signature and seal of a Qualified Professional preparing the Storm Water Management Site Plan. See Appendix A "Storm Water Management Designer Certification".
- F. The following signature block for the Landowner, acknowledging that the SWM Facilities are fixtures that cannot be altered or removed without prior approval by the Township. "I \_\_\_\_\_, hereby represent that no person shall modify, remove, fill, landscape, or alter any Storm Water Management BMPs, facilities, areas, or structures without the written approval of Providence Township."
- G. A note on the Plan referencing a recorded Stormwater Operation and Maintenance (O&M) Agreement that indicates the location and responsibility for maintenance of the on-site and off-site facilities.
- H. A note informing the owner that the Township shall have the right-of-entry for the purposes of inspecting all stormwater conveyance, treatment, or storage facilities.
- I. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1" = 2,000'), relating the Plan to Township boundaries, at least two (2) intersections of road centerline or other identifiable landmarks.
- J. Existing Features.

The following features shall be shown on all Storm Water Management Site Plans and shall be shown on a separate sheet titled "Existing Conditions". No proposed features shall be included on this sheet.

- (1) In areas of disturbance, contours at intervals of one (1) or two (2) feet. In areas of steep slopes (greater than 15 percent) and areas undisturbed, five-foot contour intervals may be used.
- (2) The locations of all existing utilities (including on lot disposal systems and wells), sanitary sewers, and water lines and associated easements.
- (3) An overlay showing soil names and boundaries.
- (4) Names of all adjacent landowners, property boundaries and locations and dimensions of easements as indicated by a boundary survey.
- (5) Physical features including railroads, streets, flood hazard boundaries, wetlands, sinkholes, streams, lakes, ponds and other waterbodies, existing drainage courses, karst features, areas of native vegetation including trees greater than 6" diameter at breast height, woodlands, other environmentally sensitive areas and the total extent of the upstream area draining through the Development Site.

K. Proposed Features.

- (1) Changes to the land surface and vegetative cover, including final proposed contours at intervals of one (1) or two (2) feet in areas of disturbance. In areas of steep slopes (greater than 15 percent) and areas undisturbed, five-foot contour intervals may be used.
- (2) Proposed structures, roads, paved areas, buildings and other impervious and semi-impervious areas.
- (3) The location of any proposed on-lot disposal systems, replacement drainfield easements, and water supply wells.
- (4) A note indicating existing and proposed land use(s).
- (5) Plan and profile drawings of all proposed SWM facilities, including BMPs, drainage structures, pipes, open channels, and swales. This information shall be of the quality required for the construction of all facilities.
- (6) Where pervious pavement is to be installed, pavement material and construction specifications shall be included.
- (7) The location of all existing and proposed easements, including drainage easements, access easements and riparian corridor easements.
- (8) A planting plan shall be provided for all vegetated BMPs in accordance with Section 3.01L.

L. The type and location of all E&S control facilities.

M. Storm water management facilities located within or affecting the floodplain of any watercourse shall comply with the requirements of the flood plain regulations provided in the Zoning Ordinance or any future ordinances regulating construction or development within areas of the Township subject to flooding.

- N. The minimum floor elevations for all structures that would be affected by a basin, other temporary impoundments, or open conveyance systems where ponding may occur shall be two (2) feet above the 100 year water surface. If basement or underground facilities are proposed, detailed calculations addressing the effects of the storm water ponding on the structure and water-proofing and/or flood proofing design information shall be provided for review and approval.
- O. No outlet structure from a storm water management facility, or swale, shall discharge directly onto a Township or State roadway.

#### **SECTION 4.04 ADDITIONAL INFORMATION**

- A. General description of the Development Site, including a description of existing natural and hydrologic features and any environmentally sensitive areas.
- B. General description of the overall SWM concept for the project, including a description of permanent SWM techniques, non-structural BMPs to be employed and construction specifications of the materials to be used for structural SWM facilities. The narrative shall include a description of any treatment trains and how the facilities are meant to function with each other to manage stormwater runoff.
- C. A summary narrative stating the effect of the project (in terms of runoff volumes, water quality and peak flows) on adjacent properties and on any existing Township SWM Facilities that may receive runoff from the Development Site.
- D. Complete hydrologic, hydraulic, and structural computations for all SWM Facilities in a format suitable to the Township Engineer.
- E. Expected project time schedule.
- F. Project Inspection Schedule for all BMPs.

#### **SECTION 4.05 SUPPLEMENTAL INFORMATION**

- A. In areas of carbonate geology, a detailed geologic evaluation prepared by a registered Professional Geologist (PG) or other Qualified Person must be submitted as part of the SWM Site Plan. The report shall include, but not be limited to the following:
  - (1) The location of the following karst features:
    - (a) Sinkholes.
    - (b) closed depressions.
    - (c) lineaments in carbonate areas.
    - (d) fracture traces.
    - (e) Caverns.

- (f) intermittent lakes.
  - (g) ephemeral disappearing streams.
  - (h) bedrock pinnacles (surface or subsurface).
- (2) A plan for remediation of any identified karst features.
  - (3) Impacts of SWM Facilities on adjacent karst features, and impacts of karst features on adjacent SWM Facilities.
- B. A NPDES and E&S Plan, including all approvals, as required by Chapter 102, shall be provided to the Township prior to unconditional SWM Site Plan approval.
  - C. For any activities that require a DEP Joint Permit Application and are regulated under Chapter 105 or Chapter 106, or require any other permit under applicable state or federal regulations, the permit(s) shall be part of the SWM Site Plan and must be obtained prior to unconditional SWM Site Plan approval.
  - D. For any activities that require a Penn DOT Highway Occupancy Permit, the permit(s) shall be part of the SWM Site Plan and must be obtained prior to unconditional SWM Site Plan approval. If PennDOT requires that the Township be the permittee for such drainage facilities, the Applicant shall enter into an Agreement, in recordable form, assuming all of the obligations which PennDOT may place upon the Township as permittee, including, but not limited to, longterm maintenance of any such facilities, compliance with all conditions contained in the permit, and indemnification of the Township for any costs or penalties which PennDOT may seek to impose on the Township. The Township shall have no obligation to make any applications to PennDOT.
  - E. An Operation and Maintenance (O&M) Plan shall be included that addresses the requirements of Section 6.03.
  - F. All SWM Facilities must be located on a map and described in detail. The content of the map(s) and computations shall include, but not be limited to:
    - (1) All calculations, assumptions and criteria used for the design of the SWM Facilities must be included for both pre-development and post-development conditions. If multiple facilities are used in conjunction with each other, such as infiltration BMPs with vegetation-based management practices, a summary narrative shall be included which describes the construction sequence and how the facilities are meant to function with each other to manage stormwater runoff.

- (2) When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown. A minimum fifty-foot separation from on-lot disposal system (OLDS) infiltration areas is required. Infiltration rates shall be based upon perk and probe tests conducted at the site of the proposed facility.
- (3) A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance.

## **ARTICLE V. PLAN PROCESSING PROCEDURES**

### **SECTION 5.01 EXEMPTION FROM PLAN SUBMISSION REQUIREMENTS**

- A. The following regulated activities are specifically exempt from the SWM Site Plan preparation and submission requirements articulated in Section 3.01A, Article IV and Article V of this Ordinance:
- (1) Agricultural activity, provided the activities are performed according to the requirements of Chapter 102.
  - (2) Forest management and timber operations, provided the activities are performed according to the requirements of Chapter 102.
  - (3) Conservation Practices being installed as part of the implementation of a Conservation Plan written by an NRCS certified planner.
  - (4) The cumulative installation of 1,000 or fewer square feet of Impervious Surface coverage proposed after (Township selects the effective date of the Ordinance or an earlier date); provided that the activities meet the criteria of Section 5.01C, below, and are conducted in accordance with all requirements of this Ordinance.
  - (5) Domestic landscape and/or vegetable gardening.
  - (6) High Tunnel Agricultural Structures, subject to the following:
    - (a) The high tunnel footprint does not result in an impervious area exceeding 25% of all existing structures located on the owner's total contiguous land area on the date of application.
    - (b) The high tunnel shall be set back a minimum of 50 feet from any perennial watercourse, property line or road right-of-way.
    - (c) The high tunnel runoff shall be directed to an agricultural best management practice and shall not discharge directly to a stream or other watercourse.
    - (d) The high tunnel agricultural structure exemption square footage shall be applied to the cumulative square footage exemption granted under Section 5.01.A.4
    - (e) All activities shall meet the criteria of this Section and Section 5.01.C.
    - (f) Nothing in this subsection shall be construed to exempt high tunnel agricultural structures from other requirements applicable under Federal, State or municipal laws. *(Amended by Ordinance No. 18-03, 06/04/2018)*

- B. The Township may deny or revoke any exemption pursuant to this Section at any time for any project that the Township believes may pose a threat to public health, safety, property or the environment.

- C. An Applicant proposing the cumulative installation of 1,000 square feet or less of Impervious Surface coverage may be exempt from the design, plan submittal, and processing requirements of Articles III, IV, and V of this Ordinance if the proposal meets the criteria in the Section 5.01C. No person or activity is exempted from compliance with Section 6.05 and Article VII, Article VIII, and Article IX of this Ordinance. Exemptions do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance. Exemption shall not relieve an applicant from implementing such measures as necessary to meet compliance with any NPDES Permit requirements. Any exemption 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.
- (1) Any Applicant desiring exemption from design, plan submission, and plan processing requirements shall complete an application for exemption. The application form is on file at the Township Office.
  - (2) The Applicant for exemption shall provide the Township with all information necessary for the Township to determine that:
    - (a) There shall be no disturbance of land within Floodplains, Wetlands, and Environmentally Sensitive Areas.
    - (b) The Applicant shall minimize soil disturbance, take steps to minimize Erosion and Sedimentation during construction activity, and promptly reclaim all disturbed areas with topsoil and vegetation.
    - (c) The Applicant shall take steps to insure that Runoff is directed to Pervious Areas on the subject property. No Runoff shall be directed onto an abutting street or neighboring property.
    - (d) The proposed Impervious Surface shall not adversely impact any existing known problem areas or downstream property owners or the quality of runoff entering any Municipal Separate Storm Sewer System.
    - (e) The Applicant shall comply with the erosion and sediment control requirements of Chapter 102 and the proposed Impervious Surface shall not create accelerated Erosion and Sedimentation.

- (3) If the proposed activity does not meet all of the criteria set forth in Section 5.07D(2) above, the Applicant shall follow the Small Project processing procedure in Section 5.02.
  - (4) The Applicant shall comply with applicable State Water Quality Standards. If the proposed activity is located in a High Quality (HQ) or Exceptional Value (EV) watershed, the applicant shall be responsible for compliance with all federal and state requirements applicable to those special protection waters. This exemption does not provide relief from any other applicable state or federal requirements.
  - (5) No Applicant and no activity shall violate or cause to be violated: the Federal Clean Water Act, Clean Streams Law, or any regulation issued thereunder, an NPDES permit, any recorded Stormwater Management or Operations and Maintenance Agreement, or any requirement applicable to a Municipal Separate Storm Sewer System.
- D. Installation of additional impervious surface coverage on a lot where all of the following conditions have been met:
- (1) The lot has a previously approved SWM Site Plan which included SWM Facilities to handle such future impervious surface coverage.
  - (2) The SWM Facilities on the approved SWM Site Plan were installed and inspected and approved by the Township Engineer.
  - (3) The Township approved the SWM Site Plan no more than five years before the application to add the impervious surface coverage was submitted to the Township or, if the Township approved the SWM Site Plan more than five years before the application to add the impervious surface coverage was submitted to the Township, there have been no amendments to the design standards of this Chapter between the date of approval of the SWM Site Plan and the submission of the application to add impervious surface coverage.
- E. Public road improvement projects initiated and/or sponsored by the Township and/or the Pennsylvania Department of Transportation shall be exempt from these stormwater management criteria under the following circumstances:
- (1) The road improvement project is required as part of a safety improvement project.
  - (2) A general analysis is provided and it can be demonstrated that the proposed improvements will not adversely affect any adjacent property owners, nor will the improvements adversely affect downstream stormwater management facilities. Otherwise, mitigation of these impacts will be required as part of the proposed improvements.
- F. Road Maintenance projects initiated and/or sponsored by the Township and/or the Pennsylvania Department of Transportation shall be exempt from these stormwater management criteria.

## **SECTION 5.02 SMALL PROJECTS.**

- A. Anyone proposing a Small Project, shall submit 2 copies of the Small Project Permit Application to the Township.
- B. A complete Small Project Permit Application shall include:
  - (1) Small Project Permit Application Form (On file at the Township Office)
  - (2) Small Project Sketch Plan including the following:
    - (a) Name and address of landowner (and/or) developer
    - (b) Date of Small Project Application submission.
    - (c) Name of individual and/or firm that prepared the sketch if different than the landowner and/or developer
    - (d) Location and square footage of proposed impervious area or land disturbance
    - (e) Approximate footprint and location of all structures on adjacent properties if located within 50 feet of the proposed impervious area or land disturbance
    - (f) Location of existing SWM Facilities if present
    - (g) Location and description of proposed SWM Facilities
    - (h) Direction of proposed stormwater discharge (e.g. with arrows)
    - (i) Scale and north arrow

- (3) Filing fee (in accordance with the Township's current fee schedule).
- C. The Small Project Application shall be submitted in a format that is clear, concise, legible, neat and well organized.
- D. Small Project applications need not demonstrate literal compliance with Article III, Article IV and Article VI of this ordinance. However, Small Project applications must demonstrate they comply with the intent of this Ordinance as outlined in Section 1.02 and Section 1.03. The Township Board of Supervisors or their Designee may require additional information or invoke any section of this Ordinance deemed necessary to adequately demonstrate compliance with the intent of this Ordinance.
- E. The Township Board of Supervisors or their Designee may require an applicant to submit a full SWM Site Plan if in their opinion a Small Project application proposes significant risk to the Township.
- F. Applications for Small Project Permits shall be reviewed and acted upon by the Township Board of Supervisors or their Designee within 30 days of filing a complete permit application.
- G. Approval of a Small Project Permits shall be valid for a period not to exceed 2 years. This two-year time period shall commence on the date that the Township Board of Supervisors or their Designee signs the approved Small Project Permit.
- H. Written requests for an extension shall be made at least 30 days prior to the expiration date. If refused, the Township Board of Supervisors or their Designee shall cite the reason(s) for such refusal.

### **SECTION 5.03 PRE-APPLICATION MEETING**

- A. Applicants are encouraged to schedule a pre-application meeting to review the overall stormwater management concept with Township Staff/Engineer. The pre-application meeting is not mandatory and shall not constitute formal filing of a plan with the Township. Topics discussed may include the following:
  - (1) Available geological maps, plans and other available data.
  - (2) Findings of the site analysis including identification of any environmentally sensitive areas, wellhead protection areas, riparian corridors, hydrologic soil groups, existing natural drainageways, karst features, areas conducive to infiltration to be utilized for volume control, etc.
  - (3) Results of infiltration tests.
  - (4) Applicable Subdivision and Land Development and/or Zoning Ordinance provisions.
  - (5) The conceptual project layout, including proposed structural and non-structural BMPs.

## **SECTION 5.04 STORMWATER MANAGEMENT SITE PLAN SUBMISSION**

- A. When a SWM Site Plan is required, the applicant shall submit the following to the Township:
  - (1) 2 copies of the SWM Site Plan prepared in accordance with the requirements of Article IV of this Ordinance.
  - (2) Two (2) copies of all supplemental data, plus electronic copies of plan and report files.
  - (3) An application and filing fee (in accordance with the Township's current fee schedule).
- B. The SWM Site Plan shall be submitted in a format that is clear, concise, legible, neat and well-organized.
- C. All submittals including plans and reports shall include an electronic format acceptable to the Township.
- D. The applicant is responsible for submitting plans to any other agencies such as the Conservation District, PennDOT, DEP, etc. when permits from these agencies are required. Final approval shall be conditioned upon the applicant obtaining all necessary permits.
- E. Incomplete submissions as determined by the Board of Supervisors or its designee, shall be returned to the Applicant within 7 days, along with a statement that the submission is incomplete and a list of deficiencies found. Otherwise, the application shall be deemed accepted for filing as of the date of submission. Acceptance of the application shall not, however, constitute an approval of the plan or a waiver of any deficiencies or irregularities. The applicant may appeal the Township's decision not to accept a particular application in accordance with Section 9.05 of this Ordinance.
- F. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, Township Board of Supervisors or their Designee may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, Township Board of Supervisors or their Designee may accept submission of revisions.

## **SECTION 5.05 TOWNSHIP REVIEW**

- A. When the regulated activity constitutes a Subdivision or Land Development, the SWM Site Plan and Subdivision/Land Development Plan shall be processed concurrently according to the plan processing procedure outlined in the Providence Township Subdivision and Land Development Ordinance.
- B. When the regulated activity constitutes a Small Project, the Small Project permit application shall be processed according to Section 5.02.
- C. When the regulated activity does not constitute a Subdivision or Land Development or a Small Project the SWM Site Plan shall be processed according to the plan processing procedure outlined in this Ordinance.
- D. All applications for approval of a SWM Site Plan shall be acted upon by the Township Board of Supervisors or their Designee, who shall render his/her decision and communicate it to the developer not later than 90 days following the date the application is filed.
  - (1) The decision of the Township Board of Supervisors or their Designee shall be in writing and shall be communicated to the developer or their agent personally or mailed to him/her at his/her last known address not later than 15 days following the decision.
  - (2) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and shall describe the requirements which have not been met and shall, in each case, cite the provisions of the chapter relied upon for the decision.
- E. If the Township disapproves the SWM Site Plan, the Township will state the reasons for the disapproval in writing. The Township also may approve the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. Such conditional approval shall be contingent upon the applicant's written acceptance of the conditions.
- F. Revisions to a SWM Site Plan after submission but before Township action shall require a resubmission of the modified SWM Site Plan consistent with Section 5.04 of this Ordinance and be subject to review as specified in Section 5.05 of this Ordinance.
- G. For the purposes of review deadlines, each resubmission required under Section 5.05F (after submission but before approval) shall constitute a new submission for the purposes of time limits as set forth in the MPC and this ordinance.
- H. Any substantial revisions to a SWM Site Plan after approval shall be submitted as a new plan to the Township, accompanied by the applicable Review Fee.

## **SECTION 5.06 AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY**

- A. Approval of a SWM Site Plan shall be valid for a period not to exceed five years. This five-year time period shall commence on the date that the Township Board of Supervisors or their Designee signs the approved SWM Site Plan.
- B. If SWM Facilities included in this approved SWM Site Plan have not been constructed within this five-year time period, then the Township Board of Supervisors or their Designee may consider the SWM Site Plan disapproved and may recommend that the Township revoke any and all permits. SWM Site Plans that are considered disapproved by the Township or its designee shall be resubmitted in accordance with Section 5.04 of this chapter.
- C. An extension of an unexpired SWM Site Plan shall be issued by the Township following the submission of a written request if, in the opinion of the Township Board of Supervisors or their Designee, the subject property or affected surrounding area has not been altered in a manner which requires alteration or revision of the stormwater management plan. Written requests shall be made at least 30 days prior to the expiration date.
- D. The refusal of an extension of time shall cite the reason(s) for such refusal.
- E. A SWM Site Plan shall not expire while a request for an extension is pending.

## **SECTION 5.07 AS-BUILT PLAN**

- A. Upon completion of the SWM Site Plan improvements and prior to the release of financial security, the applicant shall submit an As-Built Plan to the Township. The As-Built Plan must show the final design specifications for all SWM Facilities and be sealed by a registered Qualified Person.
- B. Review by Township Engineer.
  - (1) The As-Built Plan shall be reviewed by the Township Engineer to verify the plan includes all of the SWM Facilities on the subject property and the verify the facilities are shown at the correct location.
  - (2) The Township Engineer shall either approve the As-Built Plan or identify corrections required.
  - (3) If the Township Engineer identifies corrections required to the As-Built Plan, the applicant shall submit a revised As-Built Plan to the Township addressing the corrections.
- C. All coordinates as depicted on the As-Built Plan shall be based on the following:
  - (1) Horizontal datum shall be referenced to the PA South Zone State Plane Coordinate System (NAD83).
  - (2) Vertical datum shall be referenced to NAVD 88.

- D. The following information should be included with the as-built plan:
  - (1) Actual location of floodplain by elevation and dimension from property line.
  - (2) Actual location and cross section of swales and accompanying easements. The plan should demonstrate that the swales intercept and convey stormwater according to the approved subwatershed plan.
  - (3) Actual horizontal and vertical location of SWM Facilities including type and size of storm drainage pipes, inverts and rims of structures, slopes and accompanying easements.
  - (4) Actual location and connection point(s) of perforated underdrain(s).
  - (5) Actual location and connection point(s) of roof leader drain(s).
  - (6) Detention and infiltration basins.
    - (a) Actual contours of the basin.
    - (b) Actual outlet structure details, including type, size and inverts of outlet pipes. Include the orifice plate size and location on the as-built survey, if applicable.
    - (c) Actual elevation and widths for the embankment and emergency spillway.
    - (d) Compaction results and soils testing data for embankments structures.
    - (e) Certification that compaction of the basin bottom did not occur (for infiltration basins).
    - (f) Actual volume of the basin and post-development flow rates based upon as-built conditions for the basin. Calculations should be signed and sealed by a design professional.
  - (7) Actual location and dimensions of all BMP facilities.
- E. The As-Built Plan shall be submitted in a format that is clear, concise, legible, neat and well organized.
- F. All submittals including plans and reports shall include an electronic format acceptable to the Township.
- G. Digital inventory.
  - (1) When required. A digital inventory shall be submitted following approval of the As-Built Plan by the Township Engineer if the project includes any of the following:
    - (a) SWM Facilities which are offered for dedication to the Township.
    - (b) SWM Facilities which connect to or alter any portion of the Township's MS4.

- (c) BMPs included on a NPDES permit.
- (2) Digital inventory requirements.
  - (a) The digital inventory shall be in an electronic format acceptable to the Township Engineer.
  - (b) The digital inventory shall include all information included and shown on the approved As-Built Plan.
  - (c) All coordinates as depicted on the plan shall be based on the PA South Zone State Plan Coordinate System (NAD83 for horizontal and NAVD88 for vertical).

## **SECTION 5.08 CERTIFICATE OF COMPLETION**

- A. At the completion of the project, the applicant shall provide Certification of Completion qualified person verifying that all permanent SWM Facilities have been constructed according to the Plans and specifications and approved revisions thereto.
- B. Upon receipt of the Certificate of Completion, the Township shall conduct a final inspection to certify compliance with this Ordinance.

## **SECTION 5.09 FINANCIAL SECURITY**

- A. A financial security (bond, restricted account or letter of credit) for stormwater related improvements shall be supplied by the Developer in conjunction with the subdivision/land development approval, or in conjunction with the SWM Site Plan approval if no subdivision/land development plan is required.
- B. The applicant shall provide a financial security to the Township for the timely installation and proper construction of all SWM facilities, including E&S BMPS, as required by the approved SWM Site Plan and this Chapter and, as applicable, in accordance with the provisions of Sections 509, 510, and 511 of the MPC.
- C. Where required, the developer shall file with the Board of Supervisors financial security in an amount sufficient to cover the costs of all storm water management facilities required by this Chapter. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond, or other security, shall provide for, and secure to the public, completion of all storm water management facilities within one (1) year of the date fixed

on the final approved plan for such facilities. The amount of financial security shall be equal to one hundred ten (110%) percent of the cost of the required facilities for which financial security is to be posted. The cost of the facilities shall be established by submission to the Board of Supervisors of a bona fide bid or bids from the contractor or contractors chosen, the developer to complete the facilities, or in the absence of such bona fide bids, the cost shall be established by estimate and approved by the Township. If the developer requires more than one (1) year from the date of posting of the financial security to complete the required facilities, the amount of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of financial security, or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required facilities, as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

- D. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of storm water management plan applications by section or stages of development subject to such requirements or guarantees as to storm water management facilities in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- E. As the work of installing the required SWM Facilities proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the SWM Facilities has been completed in accordance with the approved SWM Site Plan. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the SWM Facilities completed. The Board of Supervisors may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid SWM Facilities.
- F. Schedule of Inspections.
  - (1) During the construction of the development, the Township Engineer or other authorized Township official may inspect the premises to determine that the work is progressing in compliance with the information provided on the approved SWM Site Plan and with all applicable Township laws and ordinances.

- (2) The cost for the conducting of inspections by the Township Engineer or other authorized Township official shall be borne by the developer in accordance with the inspection fee adopted by resolution of the Board of Supervisors.
  - (3) In the event the Township Engineer or other authorized Township official discovers that the work does not comply with the approved SWM Site Plan or any applicable laws or ordinances, the Developer shall take all actions necessary to bring the work into compliance with the approved SWM Site Plan or other applicable laws or ordinances.
  - (4) If, at any stage of the work, the Township Engineer or authorized official determines that the soil or other conditions are not as stated or shown in the approved application, or that there has been a false statement or misrepresentation by the developer, the Township Engineer or authorized official may refuse to approve further work until a revised plan is submitted and approved, as required by Section 5.04.
- G. Final Inspection. When the developer has completed all the required facilities, he shall notify the Township in writing by certified or registered mail, and shall send a copy of such notice to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, authorize the Township Engineer to inspect the required facilities. The Township Engineer shall promptly file a report, in writing, with the Township and shall mail a copy of the report to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization by the Township.

## **ARTICLE VI. OPERATION AND MAINTENANCE (O&M)**

### **SECTION 6.01 RESPONSIBILITIES OF DEVELOPERS AND LANDOWNERS**

- A. The Landowner, successor and assigns shall maintain all SWM Facilities in good working order in accordance with the approved O & M Plan.
- B. The Landowner shall convey to the Township easements to assure access for inspections and maintenance, if required.
- C. The Landowner shall keep on file with the Township the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the Township within ten (10) days of the change.
- D. The Landowner shall enumerate permanent SWM Facilities as permanent real estate appurtenances and record as deed restrictions or easements that run with the land.
- E. The record owner of the Development Site shall sign and record an Operation and Maintenance (O&M) Agreement covering all SWM Facilities, including riparian buffers and riparian forest buffers, which are to be privately owned. Said agreement, designated as APPENDIX I, is attached and made part hereto. The O&M Plan and Agreement shall be recorded as a restrictive covenant agreement that runs with the land.

### **SECTION 6.02 OPERATION AND MAINTENANCE AGREEMENTS**

- A. The Operation and Maintenance Agreement shall be subject to the review and approval of the Township solicitor and Board of Supervisors or their Designee.
- B. The Township is exempt from the requirement to sign and record an O&M agreement.

### **SECTION 6.03 OPERATION AND MAINTENANCE (O&M) PLAN CONTENTS**

- A. The O&M Plan shall clearly establish the operation and maintenance necessary to ensure the proper functioning of all temporary and permanent SWM Facilities and erosion and sedimentation control facilities.
- B. The following shall be addressed in the O&M Plan:
  - (1) Description of maintenance requirements, including, but not limited to, the following:
    - (a) Regular inspection of the SWM Facilities. To assure proper implementation of BMPs, maintenance and care SWM BMPs should be inspected by a qualified person, which may include the landowner, or the owner's designee (including the Township for dedicated and owned facilities), according to the following minimum frequencies:

- [1] Annually for the first 5 years.
  - [2] Once every 3 years thereafter.
  - [3] As specified in the O&M Agreement pursuant to Section 6.02.
- (b) All pipes, swales, and detention facilities shall be kept free of any debris or other obstruction and in original design condition.
- (c) Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in grass waterways, pipes, detention or retention basins, infiltration structures, or BMPs, and thus reducing their capacity to convey or store water.
- (d) Re-establishment of vegetation of scoured areas or areas where vegetation has not been successfully established. Selection of seed mixtures shall be subject to approval by the Township.

- (2) Riparian forest buffer management plan prepared in accordance with Chapter 102 §14(b)(4) if required.
- (3) Identification of a responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent SWM and erosion and sedimentation control facilities.
- (4) Establishment of suitable easements for access to all facilities.

#### **SECTION 6.04 MAINTENANCE OF FACILITIES ACCEPTED BY THE TOWNSHIP**

- A. The Township reserves the right to accept or reject any proposal to dedicate ownership and operating responsibility of any SWM Facilities to the Township.
- B. If SWM Facilities are accepted by the Township for dedication, the landowner/developer shall be required to pay a specified amount to the Township Stormwater Maintenance Fund to defray costs of periodic inspections and maintenance expenses. This fee shall be provided to the Township prior to unconditional SWM Site plan approval. The amount of the deposit shall be determined as follows subject to the approval of the Township Board of Supervisors:
  - (1) The deposit shall cover the estimated costs for maintenance and inspections for twenty-five (25) years. The Township will establish the estimated costs according to the O&M requirements outlined in the approved O&M Plan.
  - (2) The amount of the deposit to the fund shall be converted to present worth of the annual series values.
  - (3) If a storage facility is proposed that also serves as a recreation facility (e.g. ballfield, lake), the Township may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.
- C. If at any time a dedicated storage facility is eliminated due to the installation of storm sewers or other storage facility such as a regional detention facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility.
- D. Maintenance shall be conducted as necessary to provide for the continued functioning of the SWM Facility. Costs of inspections, maintenance and repairs are recoverable from the Township Stormwater Maintenance Fund.

#### **SECTION 6.05 MAINTENANCE OF EXISTING FACILITIES / BMPS**

- A. SWM Facilities existing on the effective date of this Ordinance which have not been accepted by the Township or for which maintenance responsibility has not been assumed by a private entity such as a homeowners' association shall be maintained by the individual Landowners. Such maintenance shall include at a minimum those items set forth in Section 6.03B(1) above. If the Township determines at any time that any

permanent SWM facility has been eliminated, altered, blocked through the erection of structures or the deposit of materials, or improperly maintained, the condition constitutes a nuisance, and the Township shall notify the Landowner of corrective measures that are required, and provide for a reasonable period of time, not to exceed 30 days, within which the owner shall take such corrective action. If the Landowner does not take the required corrective action, the Township may either perform the work or contract for the performance of the work and bill the Landowner for the cost of the work plus a penalty of 10% of the cost of the work. If such bill is not paid by the property owner within 30 days, the Township may file a Township claim against the property upon which the work was performed in accordance with the applicable laws. The Township shall have the right to choose among the remedies and may use one or more remedies concurrently.

## **SECTION 6.06 STORMWATER MAINTENANCE FUND**

- A. Persons installing stormwater management facilities shall be required to pay a specified amount to the Township Stormwater 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 management facilities are to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Township, for a period of ten (10) years, as estimated by the Township. After that period of time, inspections will be performed at the expense of the Township.
  - (2) If the stormwater management facilities are to be owned and maintained by the Township, the deposit shall cover the estimated costs for maintenance and inspections for twenty five (25) years. The Township 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 Township shall determine the present worth equivalents that shall be subject to the approval of the governing body.

## **ARTICLE VII. FEES AND EXPENSES**

### **SECTION 7.01 GENERAL**

- A. The Township shall impose a filing fee to be paid at the time any application is submitted pursuant to the provisions of this Ordinance.
- B. The fee required by this Ordinance is the Township Storm Water Management Review Fee and shall be established by resolution of the Township Board of Supervisors. The fee may be modified from time to time by resolution.

### **SECTION 7.02 EXPENSES COVERED BY FEES**

- A. In addition to the filing fee identified in Section 7.01.A, any person filing an application shall be responsible for the following fees:
  - (1) Any review of the SWM Site Plan and related documents by the Township's Engineer, Solicitor or other professional consultant retained by the Township for that purpose.
  - (2) Any review of the Stormwater Operation and Maintenance Plan and any related agreements by the Township's Engineer, Solicitor or other professional consultant retained by the Township for that purpose.
  - (3) Any review of any other documents or materials required in connection with the application by the Township's Engineer, Solicitor or other professional consultant retained by the Township for that purpose.
  - (4) Inspections
  - (5) Any additional work required to enforce any permit provisions regulated by this Ordinance; to require or oversee the correction of violations; and, to assure proper completion of stipulated remedial actions.
- B. The Township shall not unconditionally approve a SWM Site Plan, building permit, or subdivision and land development plan for any property subject to the provisions of this Ordinance until any and all filing fees and expenses and required financial security have been paid by the applicant in accordance with this Ordinance.

## **ARTICLE VIII. PROHIBITIONS**

### **SECTION 8.01 PROHIBITED DISCHARGES AND CONNECTIONS**

- A. The following connections are prohibited, except as provided in Section 8.01D below.
  - (1) 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 a municipal separate storm sewer (if applicable), or waters of this Commonwealth, and any connections to the storm sewer from indoor drains and sinks; and
  - (2) Any drain or conveyance connected from a commercial or industrial land use to the Municipal Separate Storm Sewer (if applicable) which has not been documented in plans, maps, or equivalent records, and approved by the Township.
- B. No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Section 8.01D below and (2) discharges allowed under a state or federal permit.
- C. No person shall place any structure, fill, landscaping or vegetation into a SWM Facility or within a drainage easement that will limit or diminish the functioning of the SWM Facility in any manner without the written approval of the Township.
- D. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:
  - (1) Discharges from firefighting activities
  - (2) Potable water sources including water line flushing
  - (3) Irrigation drainage
  - (4) Air conditioning condensate
  - (5) Springs
  - (6) Water from crawl space pumps
  - (7) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
  - (8) Flows from riparian habitats and wetlands
  - (9) Uncontaminated water from foundations or from footing drains
  - (10) Lawn watering
  - (11) De-chlorinated swimming pool discharges
  - (12) Uncontaminated groundwater

- (13) Water from individual residential car washing
  - (14) Routine external building wash down (which does not use detergents or other compounds)
  - (15) Diverted stream flows
  - (16) Rising ground waters
  - (17) Other discharges approved by the Township
- E. In the event that the Township or DEP determines that any of the discharges identified in Section 8.01D, above, significantly contribute to pollution of the waters of this Commonwealth, the Township or DEP will notify the responsible person(s) to cease the discharge.

## **SECTION 8.02 ALTERATION OF SWM BMPS**

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures unless it is part of an approved maintenance program, without the written approval of the Township.

## **ARTICLE IX. ENFORCEMENT AND PENALTIES**

### **SECTION 9.01 RIGHT-OF-ENTRY**

Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

## **SECTION 9.02 SCHEDULE OF INSPECTIONS**

- A. The Designee may inspect all phases of the construction, operations, maintenance and any other implementation of SWM Facilities and BMPs.
- B. During any stage of the regulated earth disturbance activities if the Designee determines that any BMPs are not being implemented in accordance with this chapter, the Township may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.
- C. During any stage of the work, if the Designee determines that the permanent SWM Facilities are not being installed in accordance with the approved stormwater management plan, the Township shall revoke any existing permits until a revised SWM Site Plan is submitted and approved, as specified in this chapter.
- D. During any phase of the work, if the Designee determines that the soil or other site conditions are not as stated or shown in the approved SWM site plan or that the developer has provided a false statement or misrepresentation, the Designee may refuse to approve further work and revoke existing building permits until a revised plan is submitted and approved, as required under by article V of this ordinance.

## **SECTION 9.03 ENFORCEMENT**

- A. 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, the Township shall order compliance by written notice to the responsible person. Such notice may require without limitation:
  - (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of prohibited connections or discharges;
  - (3) Cessation of any violating discharges, practices, or operations;
  - (4) The 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) The implementation of stormwater BMPs; and
  - (7) Operation and maintenance of stormwater 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 Township 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 Township from pursuing any and all other remedies available in law or equity. 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.

- D. Any permit or approval issued by the Township pursuant to this ordinance may be suspended by the Township for:
  - (1) Noncompliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
  - (2) A violation of any provisions of this ordinance or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.
  - (3) The creation of any condition or the commission of any act during construction or development that constitutes or creates a hazard, nuisance, pollution or endangers the life or property of others.
- E. A suspended permit may be reinstated by the Township when:
  - (1) The Township has inspected and approved the corrections to the violation that caused the suspension;
  - (2) The Township is satisfied that the violation has been corrected.

#### **SECTION 9.04 PENALTIES –**

- A. Any person who or which has violated any provisions of this Ordinance, shall, upon a judicial determination thereof, be subject to civil judgment for each such violation of not less than one hundred and 00/100 dollars (\$100.00), or more than five hundred and 00/100 dollars (\$500.00), for each violation, recoverable with costs. Each day that a violation occurs shall constitute a separate offense. All fines shall be paid to Providence Township.
- B. In addition, the Providence Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance, and may request 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 9.05 APPEALS**

- A. Any person aggrieved by any administrative action of the Township may appeal to Providence Township's Board of Supervisors within 30 days of that action. Any such appeal shall be governed by the procedures of Article V of the Local Agency Law, 2 Pa. C.S.A. 401 et seq.
- B. Any person aggrieved by any decision of Providence Township's Board of Supervisors may appeal to the Lancaster County Court of Common Pleas, in accordance with Article VII of Local Agency Law, 2 Pa. C.S.A. 701 et seq., within 30 days of that decision.

## **SECTION 9.06 MODIFICATION OF ORDINANCE PROVISIONS**

- A. The provisions of this Ordinance not relating to water quality are intended as minimum standards for the protection of the public health, safety, and welfare. The Township reserves the right to modify or to extend them conditionally in individual cases as may be necessary in the public interest; provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Ordinance, and that the applicant shows to the satisfaction of the Township that the applicable regulation is unreasonable, or will cause undue hardship, or that an alternative proposal will allow for equal or better results. The list of such modifications, along with an explanation of and justification for each modification, shall be included on the plan. This section does not apply during an enforcement action.
- B. In granting waivers/modifications for provisions of this Ordinance not relating to water quality, the Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

## **REFERENCES**

1. 25 Pennsylvania Code, Chapter 102 Erosion and Sediment Control
2. Minnesota Pollution Control Agency
3. Code of Federal Regulations – Title 44: Emergency Management and Assistance, §9.4 Definitions
4. *25 Pa. Code Chapter 105*
5. Based on definition in Wisconsin Department of Natural Resources Administrative Rule NR 151.006.
6. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. *Pennsylvania Stormwater Best Management Practices Manual*. Harrisburg, PA.
7. City of Jacksonville website, <http://www3.coj.net/Departments/CityFees/Glossary.aspx>
8. Lancaster County Model Subdivision and Land Development Ordinance.
9. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (March 2012), as amended and updated. *Erosion and Sediment Pollution Control Program Manual*. Harrisburg, PA.
10. CSN Technical Bulletin No. 5, Stormwater Design for High Intensity Redevelopment Projects in the Chesapeake Bay Watershed, version 2.0. Chesapeake Stormwater Network, January 5, 2011 – page 43.
11. “Penn State Urban Hydrology Model User Manual” by Thomas A. Seybert, PE, David F. Kibler, PE, and Elizabeth I. White, PE, August 1993 page 70 and VT/PSUHM help screen.
12. 25 Pa. Code, Chapter 71 Administration of Sewage Facilities Planning Program, § 71.1

ENACTED and ORDAINED at a regular meeting of the Providence Township Board of Supervisors on the 5<sup>th</sup> day of May, 2014 . This Ordinance shall take effect five (5) days after the adoption of this Ordinance.

Gregory R. Collins  
\_\_\_\_\_  
Gregory R. Collins, Chairman

David J. Gerhart  
\_\_\_\_\_  
David J. Gerhart, Vice Chairman

Jennie M. Buck  
\_\_\_\_\_  
Jennie M. Buck, Member

ATTEST:

Vicki L. Eldridge  
\_\_\_\_\_  
Vicki L. Eldridge, Secretary

I hereby certify that the foregoing Ordinance was advertised in the Intelligencer Journal-New Era on April 25, 2014, a newspaper of general circulation in the Township and was duly enacted and approved as set forth at a regular meeting of the Providence Township Board of Supervisors held on May 5, 2014.

Vicki L. Eldridge  
\_\_\_\_\_  
Vicki L. Eldridge, Secretary

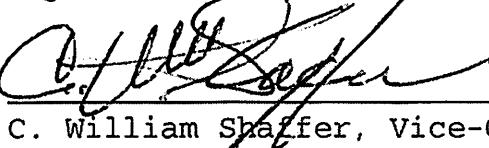
4. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.

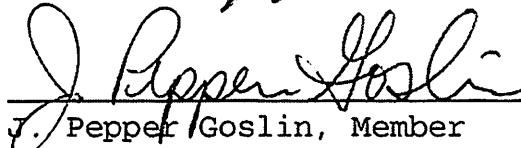
5. This Ordinance shall become effective five (5) days after enactment.

This Ordinance has been enacted this 4th day of June, 2018.

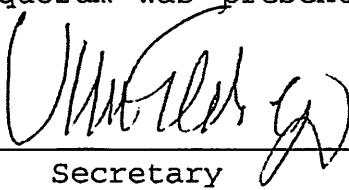
PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS

  
John E. Schroeder  
John Schroeder, Chairman

  
C. William Shaffer  
C. William Shaffer, Vice-Chairman

  
J. Pepper Goslin  
J. Pepper Goslin, Member

I, Vicki Eldridge, Secretary of the Board of Supervisors of Providence Township, Lancaster County, Pennsylvania, certify that the foregoing is a true and correct copy of an Ordinance duly and adopted at a legally constituted meeting of the Board of Supervisors of Providence Township held on June 4, 2018, at which a quorum was present and voted in favor thereof.

  
Vicki Eldridge  
Secretary

ORDINANCE NO. 19-02

AN ORDINANCE OF PROVIDENCE TOWNSHIP AMENDING APPENDIX I-  
OPERATION AND MAINTENANCE AGREEMENT FOR THE PROVIDENCE TOWNSHIP  
STORMWATER MANAGEMENT ORDINANCE

WHEREAS Providence Township has a Stormwater Management Ordinance which includes, *inter alia*, an Operation and Maintenance Agreement ("O & M Agreement") relating to improvements installed on a particular property; and,

WHEREAS the Township desires to modify certain provisions of its current O & M Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Providence Township, Lancaster County, Pennsylvania, as follows:

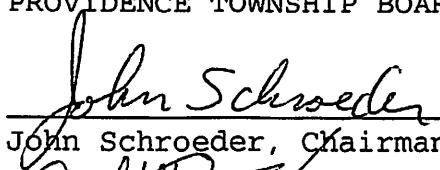
Section 1. The O & M Agreement attached to the Providence Township Stormwater Management Ordinance as Appendix I is hereby amended as reflected in the document attached to this Ordinance as Exhibit "A".

Section 2. The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect any other provision or application of this Ordinance.

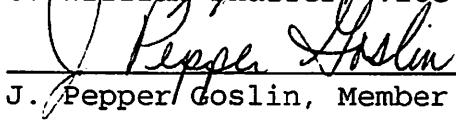
Section 3. This Ordinance shall become effective five (5) days after enactment.

This Ordinance has been enacted this 4th day of March, 2019.

PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS

  
John Schroeder, Chairman

  
C. William Shaffer, Vice-Chairman

  
J. Pepper Goslin, Member

## **APPENDIX A STORM WATER MANAGEMENT PLAN CERTIFICATIONS**

### **CERTIFICATE FOR APPROVAL BY PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS**

At a meeting on \_\_\_\_\_, 20\_\_\_\_, the Providence Township Board of Supervisors approved this project, and all conditions have been met. This approval includes the complete set of plans and information that are filed with the Township in File No.

\_\_\_\_\_, based upon its conformity with the standards of the Providence Township Storm Water Management Ordinance.

---

Township Seal

---

Signature

### **CERTIFICATE FOR APPROVAL BY PROVIDENCE TOWNSHIP BOARD OF SUPERVISORS DESIGNEE**

I, (Board of Supervisors Designee), on this date, have reviewed and hereby certify that that to the best of my knowledge the Storm Water Management Site Plan meets all design standards and criteria of the Township Storm Water Management Ordinance. Approved by the Providence Township Board of Supervisors Designee this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\*

\*Signature of the Designee

### **STORM WATER MANAGEMENT DESIGNER CERTIFICATION**

I hereby certify that, to the best of my knowledge, the storm water management facilities shown and described hereon are designed in conformance with the Township Storm Water Management Ordinance. I also certify that the proposed detention basin (circle one) is/is not underlain by carbonate geology.

\_\_\_\_\_, 20\_\_\_\_ \* \_\_\_\_\_  
\*\*

\*Signature of the qualified professional responsible for the preparation of the plan.

\*\*Seal of the individual.

**APPENDIX B STORM INTENSITY-DURATION-FREQUENCY CHART**  
**(PDT-IDF)**

Storm Frequency⇒	2 Years	5 Years	10 Years	25 Years	50 Years	100 Years
Time (Minutes)	Rainfall Intensity (Inches per Hour)					
5.0	4.63	5.40	6.02	6.70	7.51	8.19
6.0	4.34	5.15	5.70	6.39	7.22	7.90
7.0	4.12	4.95	5.42	6.10	6.95	7.62
8.0	3.92	4.70	5.17	5.85	6.70	7.36
9.0	3.75	4.50	4.95	5.62	6.47	7.12
10.0	3.59	4.30	4.75	5.41	6.26	6.90
11.0	3.45	4.15	4.58	5.22	6.07	6.70
12.0	3.32	4.00	4.42	5.05	5.88	6.50
13.0	3.21	3.85	4.27	4.89	5.71	6.33
14.0	3.10	3.70	4.16	4.74	5.56	6.16
15.0	3.00	3.55	4.00	4.60	5.40	6.00
20.0	2.60	3.10	3.50	4.03	4.78	5.34
25.0	2.31	2.65	3.15	3.61	4.30	4.83
30.0	2.09	2.45	2.82	3.27	3.92	4.41
40.0	1.76	2.05	2.39	2.78	3.34	3.79
50.0	1.53	1.77	2.08	2.42	2.92	3.33
60.0	1.35	1.60	1.85	2.15	2.60	2.98

## APPENDIX C RUNOFF COEFFICIENTS "C" FOR RATIONAL FORMULA

Soil Group ⇒		A			B			C			D		
Slope ⇒	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	
<b>Land Use</b>													
Cultivated Land:													
Winter Conditions	.14	.23	.34	.21	.32	.41	.27	.37	.48	.34	.45	.56	
Summer Conditions	.10	.16	.22	.14	.20	.28	.19	.26	.33	.23	.29	.38	
Fallowed Fields:													
Poor Conditions	.12	.19	.28	.17	.25	.34	.23	.33	.40	.27	.35	.45	
Good Conditions	.08	.13	.16	.11	.15	.21	.14	.19	.26	.18	.23	.31	
Forest/Woodland	.08	.11	.14	.10	.14	.18	.12	.16	.20	.15	.20	.25	
Grass Areas:													
Good Conditions	.10	.16	.20	.14	.19	.26	.18	.22	.30	.21	.25	.35	
Average Conditions	.12	.18	.22	.16	.21	.28	.20	.25	.34	.24	.29	.41	
Poor Conditions	.14	.21	.30	.18	.28	.37	.25	.35	.44	.30	.40	.50	
Impervious Areas	.90	.91	.92	.91	.92	.93	.92	.93	.94	.93	.94	.95	
Weighted Residential:													
Lot Size 1/8 Acre	.29	.33	.36	.31	.35	.40	.34	.38	.44	.36	.41	.48	
Lot Size 1/4 Acre	.26	.30	.34	.29	.33	.38	.32	.36	.42	.34	.38	.46	
Lot Size 1/3 Acre	.24	.28	.31	.26	.32	.35	.29	.35	.40	.32	.36	.45	
Lot Size 1/2 Acre	.21	.25	.28	.24	.27	.32	.27	.31	.37	.30	.34	.43	
Lot Size 1 Acre	.18	.23	.26	.21	.24	.30	.24	.29	.36	.28	.32	.41	

## APPENDIX D RUNOFF CURVE NUMBERS "CN" FOR SCS METHOD\*

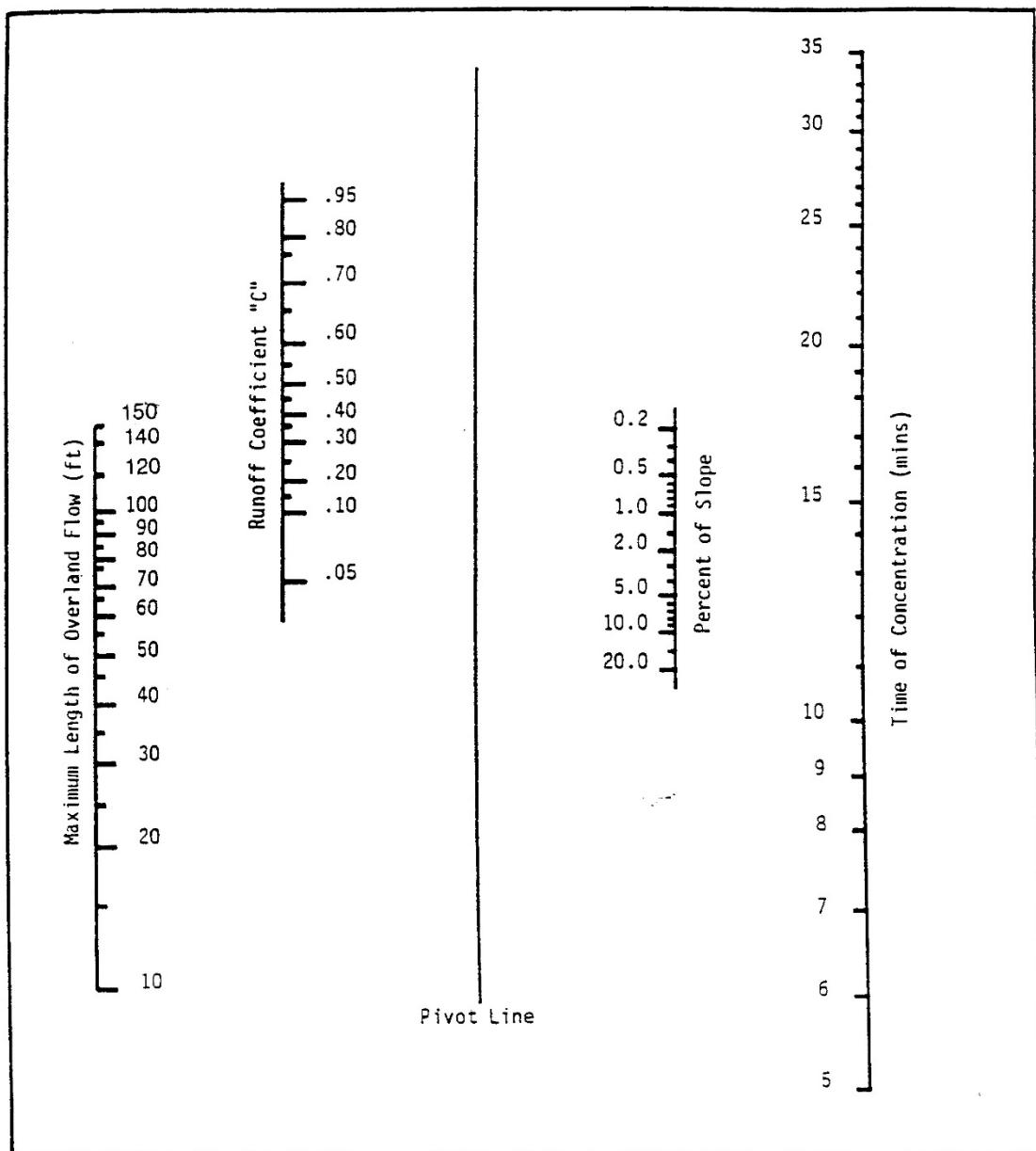
Soil Group ⇒		A			B			C			D		
Slope ⇒	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	
<b>Land Use</b>													
Cultivated Land:													
Winter Conditions	48	60	65	62	73	73	68	78	79	77	81	88	
Summer Conditions	35	51	61	48	55	70	57	65	77	64	69	80	
Fallowed Fields:													
Poor Conditions	45	54	76	56	63	85	64	74	90	69	77	93	
Good Conditions	30	44	74	43	48	83	48	54	88	56	60	90	
Forest/Woodland	30	30	40	42	46	55	45	50	70	50	56	77	
Grass Areas:													
Good Conditions	35	39	51	48	54	61	56	59	74	62	63	80	
Average Conditions	45	49	53	52	55	69	60	63	79	65	69	84	
Poor Conditions	48	55	68	56	67	79	66	74	86	73	81	89	
Impervious Areas	96	97	98	96	97	98	96	97	98	96	97	98	
Weighted Residential:													
Lot Size 1/8 Acre	71	75	77	74	76	85	78	80	90	81	83	92	
Lot Size 1/4 Acre	61	62	67	66	69	75	67	69	83	75	78	87	
Lot Size 1/3 Acre	57	59	65	64	66	72	65	66	81	74	77	86	
Lot Size 1/2 Acre	54	57	63	62	64	70	63	65	80	72	76	85	
Lot Size 1 Acre	51	55	62	61	63	68	61	64	79	71	75	84	

## APPENDIX E MANNING "N" VALUES FOR PIPES

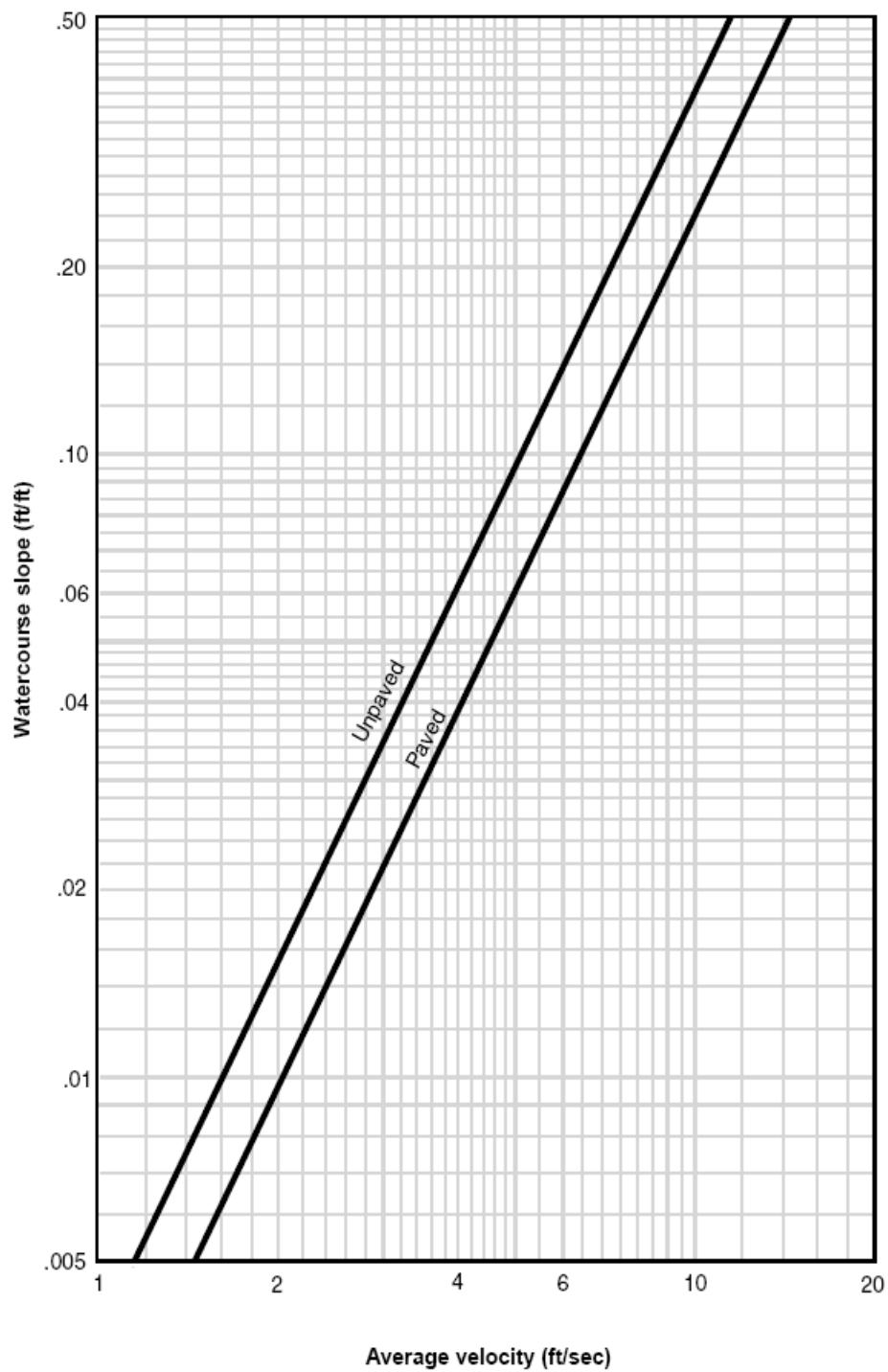
<b>Pipe Material</b>	<b>Manning "n" Value</b>
Helical Corrugated Steel/Aluminum 2 2/3 × 1/2 Corrugations Diameter (Inches)	
15	0.014
18	0.015
21	0.016
24	0.017
27	0.018
30	0.019
36	0.020
42	0.021
48	0.021
Reinforced Concrete – All Diameters	0.013
Corrugated Polyethylene – Smooth Lining – All Diameters	0.012
Note: Arch pipe shall have the Manning "n" value of an equal periphery of circular pipe.	

## APPENDIX F TIME OF CONCENTRATION (TC) NOMOGRAPH

For Determining Sheet Flow (For Use with Rational Method)



**APPENDIX G AVERAGE VELOCITIES FOR ESTIMATING TRAVEL TIME FOR SHALLOW CONCENTRATED FLOW**



## APPENDIX H TIME OF CONCENTRATION WORKSHEET

## Worksheet #1: Time of Concentration ( $T_c$ ) or Travel Time ( $T_t$ )

Project \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_  
Location \_\_\_\_\_ Checked \_\_\_\_\_ Date \_\_\_\_\_  
Circle One: Present Developed \_\_\_\_\_  
Circle One: Tc Tt through subarea

**NOTES:** Space for as many as two segments per flow type can be used for each worksheet.  
Include a map, schematic or description of flow segments.

#### **Sheet Flow (Applicable to T<sub>c</sub> Only)**

1. Surface description (table 3-1).....
  2. Manning's roughness coefficient, n (table 3-1).....
  3. Flow length, L (total  $L \leq 150$  ft)..... ft
  4. Two-year 24-Hour rainfall,  $P_2$ ..... in
  5. Land slope, s..... ft/ft
  6.  $T_t = \frac{0.007 (nL)^{0.8}}{P_2^{0.5} \times S^{0.4}}$       Compute  $T_t$  ..... hr

$$6. \quad T_t = \frac{0.007 (nL)^{0.8}}{P_2^{0.5} \times S^{0.4}}$$

### Segment ID

ANSWER

Date \_\_\_\_\_

Date \_\_\_\_\_

Page 1

## Shallow Concentrated Flow

7. Surface description (paved or unpaved).....
  8. Flow Length, L.....ft
  9. Watercourse slope, s.....ft/ft
  10. Average velocity, V (figure 3-1).....ft/s
  11.  $T_t = \frac{L}{3,600 \times V}$  Compute  $T_t$  .....hr

$$11. \quad T_t = \frac{L}{3,600 \times V}$$

### Segment ID

100

=

Channel Flow

12. Cross sectional flow area,  $a$  ..... ft<sup>2</sup>

13. Wetted perimeter,  $P_w$  ..... ft

14. Hydraulic radius,  $R = \frac{a}{P_w}$  Compute  $r$  ..... ft

15. Channel slope,  $s$  ..... ft/ft

16. Manning's roughness coefficient,  $n$  .....

17.  $V = \frac{1.49 \times r^2 n \times s^1 n}{n}$  Compute  $V$  ..... ft/s

18. Flow Length,  $L$  ..... ft/s

19.  $T_t = \frac{L}{3,600 \times V}$  Compute  $T_t$  ..... hr

20. Watershed or subarea  $T_s$  or  $T_r$  (add  $T_s$  in steps 6, 11 and 19)

$$17. \quad V = \frac{1.49 \times r^r n \times s^s n}{n}$$

## Segment ID

ANSWER

= 

20. Watershed or subarea  $T_c$  or  $T_t$  (add  $T_t$  in steps 6, 11 and 19).....hr

\* Table 3-1 per latest TR-55, Urban Hydrology for Small Watersheds

\*\* 150 Feet Sheet flow length per latest TR-55 revision

**APPENDIX I OPERATION AND MAINTENANCE (O & M) AGREEMENT**

**STORMWATER MANAGEMENT FACILITIES**

**THIS AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, (hereinafter "Landowner") and Providence Township, 200 Mount Airy Road, New Providence, Pennsylvania 17560 (hereinafter "Township").

**WITNESSETH**

**WHEREAS**, Landowner is the owner of certain real property located at \_\_\_\_\_, being more fully described in a deed recorded in the Recorder of Deeds Office in and for Lancaster County with the following recording reference:  
\_\_\_\_\_ (hereinafter the "Property");

**WHEREAS**, Landowner is proceeding to develop the Property;

**WHEREAS**, the SWM FACILITIES Operation and Maintenance (O & M) Plan approved by the Township (hereinafter the "O & M Plan") for the Property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Township, provides for the management of stormwater within the confines of the Property through the use of Stormwater Management Best Practices (BMPs);

**WHEREAS**, Township and Landowner, and Landowner's successors and assigns, agree that the health, safety and welfare of the residents of Township, and the protection and maintenance of water quality, require that on-site SWM Facilities be constructed and maintained on the Property; and,

**WHEREAS**, Township requires, through the implementation of the SWM Site Plan, that SWM Facilities, as required by the said SWM Site Plan and the Township Stormwater Management Ordinance, be constructed and adequately operated and maintained by Landowner and Landowner's 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. Landowner shall construct the SWM Facilities in accordance with the plans and specifications identified in the SWM Site Plan.

2. The Landowner shall operate and maintain the SWM Facilities as shown on the SWM Site Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O & M Plan.
3. The Landowner hereby grants permission to the Township, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the SWM facilities, whenever necessary. Except in the event of an emergency, Township shall provide written notice of its intent to enter upon the property at least Ten (10) prior to the scheduled inspection. The written notice may be by e-mail or first-class mail and shall be deemed to have been provided when deposited in the mail or sent by e-mail or other electronic medium. In the event of an emergency requiring immediate access to the property, Township shall provide telephonic, e-mail or other electronic medium notice at least Twenty-four (24) hours prior to the scheduled inspection.
4. In the event the Landowner fails to operate and/or maintain the SWM facilities as required by Paragraph 2 of this Agreement, and following inspection of the SWM facilities to confirm that failure, said inspection to be conducted in accordance with the provisions of Paragraph 3 above, Township shall issue a written notice identifying Landowner's failure to properly operate and/or maintain the SWM facilities and giving Landowner Twenty (20) from the date of the written notice within which to correct any deficiencies. The written notice may be by e-mail or first-class mail and shall be deemed to have been provided when deposited in the mail or sent by e-mail or other electronic medium. If Landowner fails to correct the deficiencies, Township or its authorized agents and employees, may enter upon the property and take whatever action deemed necessary to maintain and operate the SWM facilities, provided that Township gives written notice of its intention to do so, in the same form as set forth above, at least Ten (10) days prior to Township's scheduled entry upon the property. It is expressly understood and agreed that Township 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 Township.
5. In the event Township, pursuant to this Agreement, performs work of any nature, or expends funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Township for all expenses (direct and indirect) incurred, plus a 10% penalty, within Thirty (30) days of receipt of an invoice from the Township.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite SWM Facilities by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from, or be caused by, stormwater runoff.

7. Landowner, and Landowner's executors, administrators, assigns and other successors in interest, shall release the Township from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against Township, its agents, servants, employees or representatives from the construction, presence, evidence or maintenance of the BMPs by Landowner or Township.

8. This Agreement shall be recorded in the Recorder of Deeds in and for Lancaster County and shall constitute a covenant running with the Property and shall be binding on the Landowner, and Landowner's executors, administrators, assigns and other successors in interest, in perpetuity.

Witness:

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Landowner

Attest:

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Providence Township,  
Chairman/Vice-Chairman

**COMMONWEALTH OF PENNSYLVANIA :**

SS:

**COUNTY OF LANCASTER :**

ON this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me,  
\_\_\_\_\_, a Notary Public, the undersigned  
officer, personally appeared \_\_\_\_\_, known to  
me (or satisfactorily proven) to be the person whose name(s)  
is/are subscribed to the within instrument, and acknowledged  
that \_\_\_\_\_ executed the same for the purposes therein contained.

**IN WITNESS WHEREOF,** I hereunto set my hand and official  
seal.

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**NOTARY PUBLIC**