

**TOWNSHIP OF LOWER FREDERICK
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO.: _____

**AN ORDINANCE OF THE TOWNSHIP OF LOWER FREDERICK,
MONTGOMERY COUNTY, PENNSYLVANIA AMENDING THE
CODIFIED ORDINANCES OF LOWER FREDERICK TOWNSHIP
BY REPLACING THE EXISTING CHAPTER 134 - STORMWATER
MANAGEMENT WITH A NEW CHAPTER 134 – STORMWATER
MANAGEMENT.**

WHEREAS, the Lower Frederick Township Board of Supervisors has determined that changes to the natural stormwater patterns will adversely affect the Township and region; and

WHEREAS, the Lower Frederick Township Board of Supervisors has the authority under the Pennsylvania Storm Water Management Act and the Pennsylvania Second Class Township Code to manage and control stormwater; and

WHEREAS, the Lower Frederick Township Board of Supervisors has determined that revisions to the Township's existing stormwater regulations are necessary to help maintain the natural hydrologic regime and minimize the negative impacts occasioned by changing natural hydrologic patterns.

NOW THEREFORE, the Board of Supervisors of the Township of Lower Frederick do hereby **ENACT** and **ORDAIN** as follows:

ARTICLE I – AMENDMENT TO THE CODIFIED ORDINANCES

Chapter 134, Stormwater Management, of the Lower Frederick Township Code is hereby replaced in its entirety with the following:

Chapter 134 Stormwater Management

Article I General Provisions

Section 134-101. Short Title

This Chapter shall be known as the "Lower Frederick Township Stormwater Management Ordinance."

Section 134-102. Statement of Findings

The Lower Frederick Township Board of Supervisors finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. Inadequate planning and management of stormwater runoff resulting from land development throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream beds and stream banks, thereby elevating sedimentation), destroying aquatic habitat, and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals, and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A comprehensive program of stormwater management, including minimization of impacts of development, redevelopment, and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Township and all of the people of the Commonwealth, their resources, and the environment.
- D. Stormwater can be an important water resource by providing groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.
- E. Impacts from stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime and sustain high water quality, groundwater recharge, stream baseflow, and aquatic ecosystems. The most cost effective and environmentally advantageous way to manage stormwater runoff is through nonstructural project design that minimizes impervious surfaces and sprawl, avoids sensitive areas (i.e., stream buffers, floodplains, steep slopes), and considers topography and soils to maintain the natural hydrologic regime.
- F. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- G. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- H. Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Township.
- I. The use of green infrastructure and low impact development (LID) are intended to address the root cause of water quality impairment by using systems and practices which use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire, and/or 3) harvest and use precipitation near where it falls to earth. Green infrastructure practices and LID contribute to the restoration or maintenance of pre-development hydrology.

Section 134-103. Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare within the Township by maintaining the natural hydrologic regime and minimizing the impacts described in Section 134-102 of this Chapter through provisions designed to:

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

- R. Provide proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented in the Township.

Section 134-104. Statutory Authority

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

- A. Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the “Stormwater Management Act” (hereinafter referred to as “the Act”);
- B. Water Resources Management Act of 2002, as amended;
- C. Second Class Township Code, 53 P.S. Sections 66501 et seq., 66601 et seq;
- D. Pennsylvania Municipalities Planning Code, Act 247, as amended.

Section 134-105. Applicability/Regulated Activities

This Chapter shall apply to all areas of the Township.

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

The following activities are defined as “regulated activities” and shall be regulated by this Chapter unless exempted by Section 134-106:

- A. Land development,
- B. Subdivisions,
- C. Alteration of the natural hydrologic regime,
- D. Construction or reconstruction of or addition of new impervious or semipervious surfaces (i.e., driveways, parking lots, roads, etc.),
- E. Construction of new buildings or additions to existing buildings,
- F. Redevelopment,
- G. Diversion piping or encroachments in any natural or man-made channel,
- H. Nonstructural and structural stormwater management BMPs or appurtenances thereto,
- I. Earth disturbance activities of greater than five thousand (5,000) square feet.¹

¹ This Ordinance applies to any earth disturbance activity greater than or equal to five thousand (5,000) square feet that is associated with a development or redevelopment project. Earth disturbance activities of less than one (1) acre that are associated with redevelopment projects are exempt from the Section 407 stream bank erosion requirements. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This Ordinance shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

- J. Any of the above regulated activities that were approved more than five (5) years prior to the effective date of this Chapter and resubmitted for Township approval.
- K. Prohibited or polluted discharges,
- L. Any other activities that may affect stormwater runoff.

Table 105.1 summarizes the applicability requirements of the Chapter. "Proposed Impervious Surface" in Table 105.1 includes new, additional, or replacement impervious surface/cover. Repaving existing surfaces without reconstruction does not constitute "replacement."

TABLE 105.1

CHAPTER APPLICABILITY

Chapter Article or Section	Type of Project	Proposed Impervious Surface				Earth Disturbance	
		0-1,000 sq.ft.	1,000-5,000 sq.ft.	5,000 sq.ft. – 1 acres	> 1 acre	5,000 sq.ft. – 1 acre	>1 acre
Article III Drainage Plan Requirements	Development	N/A	Modified	Yes	Yes	Modified	Yes
	Redevelopment	N/A	Modified	Yes	Yes	Modified	Yes
Section 134-404 Nonstructural Project Design	Development	N/A	Yes	Yes	Yes	Yes	Yes
	Redevelopment	N/A	Yes	Yes	Yes	Yes	Yes
Section 134-405 Groundwater Recharge	Development	N/A	Yes	Yes	Yes	N/A	Yes
	Redevelopment	N/A	Yes	Yes	Yes	N/A	Yes
Section 134-406 Water Quality Requirements	Development	Yes	Yes	Yes	Yes	Yes	Yes
	Redevelopment	Yes	Yes	Yes	Yes	Yes	Yes
Section 134-407 Stream Bank Erosion Requirements	Development	N/A	Exempt	Yes	Yes	N/A	Yes
	Redevelopment	N/A	Exempt	Exempt	Yes	N/A	Yes
Section 134-408 Stormwater Peak Rate Control and Management Districts	Development	N/A	Exempt	Yes	Yes	Yes	Yes
	Redevelopment	N/A	Exempt	Yes	Yes	Yes	Yes
Erosion & Sediment Pollution Control Plan Submission to the Conservation District	Earth Disturbance	See Earth Disturbance Requirements	See Earth Disturbance Requirements	See Earth Disturbance Requirements	See Earth Disturbance Requirements	NO	Yes
		Refer to the Township's earth disturbance requirements, as applicable)					

Legend:

Yes - Drainage plan required with associated section provision.

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

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

Modified - Modified drainage plan required

- Sites with less than one thousand (1,000) square feet of impervious surface, but between five thousand (5,000) square feet and one (1) acre of earth disturbance must submit a drainage plan to the Township which need only consist of the items in Sections 302.A.2 and 4; 302.B.7, 8, 11, and 22; and 302.D.1 and 3 and related supportive material needed to determine compliance with Sections 404 and 408.
- Sites with more than one thousand (1,000) square feet, but less than five thousand (5,000) square feet of impervious surface must submit a drainage plan; however, it need not consist of the items in Sections 407 and 408.

Section 134-106. Exemptions**A. Exemptions for Land Use Activities**

The following land use activities are exempt from the drainage plan submission requirements of this Chapter.

1. Use of land for gardening for home consumption.
2. Agriculture when operated in accordance with a conservation plan, nutrient management plan, or erosion and sedimentation control plan approved by

the County Conservation District, including activities such as growing crops, rotating crops, tilling of soil, and grazing animals. Installation of new or expansion of existing farmsteads, animal housing, waste storage, and production areas having impervious surfaces that result in a net increase in earth disturbance of greater than five thousand (5,000) square feet shall be subject to the provisions of this Chapter.

3. Forest management operations that are following the Department of Environmental Protection's (DEP) management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an approved erosion and sedimentation plan and must comply with the stream buffer requirements in Section 134-406.G.
4. Road replacement, development, or redevelopment that has less than one thousand (1,000) square feet of new, additional, or replaced impervious surface/cover, or in the case of earth disturbance only, less than five thousand (5,000) square feet of disturbance, is exempt from this Chapter.

B. Exemptions for Land Development Activities

The following land development and earthmoving activities are exempt from the drainage plan submission requirements of this Chapter.

1. A maximum of one thousand (1,000) square feet of new, additional, or replacement proposed impervious surface. Or in the case of earth disturbance resulting in less than one thousand (1,000) square feet of impervious cover (as noted above)
2. Up to a maximum of five thousand (5,000) square feet of earth disturbance. These criteria shall apply to the total development even if the development is to take place in phases. The date of the adoption of this Chapter shall be the starting point from which to consider tracts as "parent tracts" upon which future subdivisions and respective earth disturbance computations shall be cumulatively considered.

The activities exempted above are still encouraged to implement the voluntary stormwater management practices as indicated in Chapter 134, Appendix B.

C. Additional Exemption Criteria:

1. Exemption Responsibilities - An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect public health, safety, and property.
2. HQ and EV Streams - An exemption shall not relieve the Applicant from meeting the special requirements for watersheds draining to identified high quality (HQ) or exceptional value (EV) waters and Source Water Protection Areas (SWPA) and requirements for nonstructural project design sequencing (Section 134-404).

3. Drainage Problems - If a drainage problem is documented or known to exist downstream of or is expected from the proposed activity, then the Township may require the Applicant to comply with this Chapter.
4. Emergency Exemption - Emergency maintenance work performed for the protection of public health, safety, and welfare. A written description of the scope and extent of any emergency work performed shall be submitted to the Township within two (2) calendar days of the commencement of the activity. If the Township finds that the work is not an emergency, then the work shall cease immediately, and the requirements of this Chapter shall be addressed as applicable.
5. Maintenance Exemption - Any maintenance to an existing stormwater management system made in accordance with plans and specifications approved by the Township Engineer or Lower Frederick Township.
6. Even though the developer is exempt, he is not relieved from complying with other regulations.

Section 134-107. Repealer

Any ordinance or ordinance provision of the Township inconsistent with any of the provisions of this Chapter is hereby repealed to the extent of the inconsistency only.

Section 134-108. Severability

Should any section or provision of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Chapter.

Section 134-109. Compatibility with Other Ordinances or Legal Requirements

- A. Approvals issued pursuant to this Chapter do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.
- B. To the extent that this Chapter imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this Chapter shall be followed.
- C. Nothing in this Chapter shall be construed to affect any of the Township's requirements regarding stormwater matters that do not conflict with the provisions of this Chapter, such as local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other Township ordinances or regulations shall be construed to retain the requirements of this Chapter addressing state water quality requirements.

Section 134-110. Erroneous Permit

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

Section 134-111. Waivers

- A. If the Township determines that any requirement under this Chapter cannot be achieved for a particular regulated activity, the Township may, after an evaluation of alternatives, approve measures other than those in this Chapter, subject to Section 111, paragraphs B and C.
- B. Waivers or modifications of the requirements of this Chapter may be approved by the Township if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Chapter is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Chapter. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Chapter involved and the proposed modification.
- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Township unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

Article II Definitions

Section 134-201. Interpretation

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

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.
- C. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
- D. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
- E. The words “used” or “occupied” include the words “intended, designed, maintained, or arranged to be used, occupied, or maintained.”

Section 134-202. Definitions

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

Agricultural Activities – The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing, mushroom growing, nursery, and sod operations and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

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

Applicant – A person who has filed an application for approval to engage in any regulated activity defined in Section 134-105 of this Chapter.

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

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

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

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

BMP (Best Management Practice) – Methods, measures, or practices used to prevent or reduce surface runoff and/or water pollution including, but not limited to, structural and nonstructural stormwater management practices and operation and maintenance procedures. See also Non-structural Best Management Practice (BMP).

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

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

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

Cistern – An underground reservoir or tank for storing rainwater.

Conservation District – The Montgomery County Conservation District.

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

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

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

Department – The Pennsylvania Department of Environmental Protection.

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

Design Professional (Qualified) – A Pennsylvania Registered Professional Engineer, Registered Landscape Architect, or Registered Professional Land Surveyor trained to develop stormwater management plans.

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

Detention Basin – An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins

are designed to drain completely soon after a rainfall event and become dry until the next rainfall event.

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

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

Development Site – The specific tract or parcel of land where any regulated activity set forth in Section 134-105 is planned, conducted, or maintained.

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

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

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

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

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

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

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

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

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

Drainage Permit – A permit issued by the Township after the drainage plan has been approved.

Drainage Plan – The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 134-302.

Earth Disturbance – A man-made change in the natural cover or topography of land.

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

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

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

Erosion – The process by which the surface of the land, including water/stream channels, is worn away by water, wind, or chemical action.

Erosion and Sediment Control Plan – A plan that is designed to minimize accelerated erosion and sedimentation. When earth disturbance exceeds one acre, said plan must be submitted to and approved by the appropriate Conservation District before construction can begin.

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

Existing Conditions – The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as “meadow” unless the natural land cover is proven to generate a lower curve number or Rational “c” value, such as forested lands.

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

Floodplain – Any land area susceptible to inundation by water from any natural source or as delineated by the applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area.

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

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

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

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

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

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

Green Infrastructure – Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.

Groundwater – Water beneath the earth's surface that supplies wells and springs and is often between saturated soil and rock.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Land Development – Any of the following activities:

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

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

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

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

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

scale conveyance and treatment systems, LID addresses stormwater through a variety of small, cost-effective landscape features located on-site.

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

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

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

Township Engineer – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

Municipality or Township – Lower Frederick Township, Montgomery County, Pennsylvania.

Natural Condition – Pre-development condition.

Natural Hydrologic Regime – See Hydrologic Regime.

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

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

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

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

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

NRCS – Natural Resource Conservation Service (previously SCS).

Open Channel – A conveyance channel that is not enclosed.

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

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

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

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

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

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

Penn State Runoff Model – The computer-based hydrologic model developed at Pennsylvania State University.

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

Planning Commission – The Planning Commission of Lower Frederick Township.

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

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

Pre-construction – Prior to commencing construction activities.

Pre-development Condition – Undeveloped/natural condition.

Pretreatment – Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system, but not necessarily designed to meet the water quality volume requirements of Section 134-406.

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

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

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

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

Reconstruction – Demolition and subsequent rebuilding of impervious surface.

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

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

Regulated Activities – Actions or proposed actions that have an impact on stormwater runoff quality or quantity and that are specified in Section 134-105 of this Chapter.

Regulated Earth Disturbance Activity – Defined under NPDES Phase II regulations as earth disturbance activity of one (1) acre or more with a point source discharge to surface waters or the Township’s storm sewer system or five (5) acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of a larger common plan of development.

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

Repaving – Replacement of the impervious surface that does not involve reconstruction of an existing paved (impervious) surface.

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

Retention Basin – A structure in which stormwater is stored and not released during the storm event. Retention basins are designed for infiltration purposes and do not have an outlet. The retention basin must infiltrate stored water in four (4) days or less.

Return Period – The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the 25-year return period rainfall would be expected to recur on the average of once every twenty-five (25) years.

Riparian Buffer – A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

Riparian Buffer - An area of permanent vegetation along waterbodies that is left undisturbed to allow for natural succession of native vegetation. A riparian buffer may consist of grasses and forbs, or a combination of vegetation types to include grasses, forbs, shrubs and trees.

Riser – A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Road Maintenance – Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities.

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

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

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

SALDO – Chapter 145, Subdivision and Land Development, of the Lower Frederick Township Code.

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

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

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

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

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

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

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

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

Source Water Protection Areas (SWPA) – The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

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

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

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

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

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

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

Stormwater – The surface runoff generated by precipitation reaching the ground surface.

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

Stormwater Management Facility – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate, or quantity. Typical stormwater management facilities include, but are not

limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

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

Stormwater Management Site Plan – The plan prepared by the Applicant or his/her/their representative indicating how stormwater runoff will be managed at the particular site of interest according to this Chapter.

Stream – A natural watercourse.

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

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

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

Subdivision – The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

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

Sump Pump – A sump pump is a pump used to remove water that has accumulated in a water-collecting sump basin, commonly found in the basements of homes.

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

Timber Operations – See Forest Management.

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

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

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

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

Watercourse - Any natural or artificial river, stream, creek, brook, canal, channel, ditch, swale, or similar place intended or used for the directed surface flow of water, in which water flows in a definite direction or course, either perennially, intermittently, or ephemerally, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Ephemeral Watercourse - A watercourse which has flowing water only during, and for a short duration after, precipitation events in a typical year. The beds of ephemeral watercourses are located above the water table year-round, and groundwater is not a source of water for the watercourse. Runoff from rainfall is the primary source of water for this type of watercourse.

Intermittent Watercourse - A watercourse which has flowing water during certain times of the year, when groundwater provides water for flow. During dry periods, intermittent watercourses may not have flowing water. Runoff from rainfall is a supplemental source of water for this type of watercourse.

Perennial Watercourse - A watercourse which has flowing water year-round during a typical year. The water table is located above the bed of the watercourse for most of the year. Groundwater is the primary source of water for flow. Runoff from rainfall is a supplemental source of water for this type of watercourse.

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

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

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

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

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

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

Woods – A natural groundcover with more than one (1) viable tree of a DBH of six (6) inches or greater per fifteen hundred (1,500) square feet which existed within three (3)

years of application; a cover condition for which SCS curve numbers have been assigned or to which equivalent Rational Method runoff coefficients have been assigned.

Article III Drainage Plan Requirements

Section 134-301. General Requirements

For any of the activities regulated by this Chapter, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance activity may not proceed until the Property Owner or Applicant or his/her agent has received written approval of a grading and/or drainage plan from the Township, and, if greater than 1 Acre of Land Disturbance, obtained an NPDES Permit for Stormwater Discharges Associated with Construction Activities from the local Conservation District and/or DEP.

Section 134-302. Drainage Plan Contents

The drainage plan shall consist of a general description of the project including sequencing items described in Section 134-404, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations, erosion and sediment control plan, and Post-Construction Stormwater Management (PCSWM) Plan shall refer to the associated maps by title and date. All drainage plan materials shall be submitted to the Township in a format that is clear, concise, legible, neat, and well organized; otherwise, the drainage plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the drainage plan:

A. General

1. General description of the project including those areas described in Section 134-404.B.
2. General description of proposed permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
4. An erosion and sediment control plan, including all reviews and letters of adequacy from the Conservation District and/or PaDEP.
5. A general description of proposed nonpoint source pollution controls.
6. The Drainage Plan Summary (Chapter 134, Appendix C-1) and associated fee (see Township Fee Schedule)
7. The Drainage Plan Checklist (Chapter 134, Appendix C-2).

B. Maps

Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Montgomery County. If the SALDO has more stringent

criteria than this Chapter, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

1. The location of the project relative to highways, municipal boundaries, or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet. In areas of slopes greater than 15 percent, 5-foot contour intervals may be used.
3. Existing streams, lakes, ponds, or other waters of the Commonwealth within the project area.
4. Other physical features including flood hazard boundaries, stream buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines.
6. An overlay showing soil names, boundaries and limitations (in Tabular Format).
7. Limits of earth disturbance, including the type and amount of impervious area that would be added.
8. Proposed structures, roads, paved areas, and buildings.
9. Final contours at intervals of two (2) feet. In areas of steep slopes (greater than 15 percent), 5-foot contour intervals may be used.
10. The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
11. The date of preparation.
12. A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet.
13. A north arrow.
14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
15. Existing and proposed land use(s).
16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
17. Location of all open channels, as well as indicating where they are draining after they leave the site (storm sewer, defined drainage swale, stream channel, Waters of the Commonwealth, etc.).
18. Overland drainage patterns and swales.
19. A 15-foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.

20. The location of all erosion and sediment control facilities and all post-construction stormwater management facilities, BMPs, systems, etc.
21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off site. All offsite facilities shall meet the performance standards and design criteria specified in this Chapter.
22. A tabulation of existing and proposed impervious surface areas. Also note any additional square footage of future impervious area accommodated by the design.
23. A statement, signed by the Applicant, acknowledging that any revision to the approved Post-Construction Stormwater Management Plan must be approved by the Township and the Conservation District and/ or DEP (if greater than 1 acre of land disturbance), and that a revised erosion and sediment control plan must be submitted to the Conservation District for a determination of adequacy.
24. The following signature block for the Design Professional:

“I, (Design Professional), on this date (date of signature), hereby certify that the drainage plan meets all design standards and criteria of Chapter 134, Stormwater, of the Lower Frederick Township Code.”

C. Supplemental Information to be Submitted to the Township

1. A written description of the following information shall be submitted by the Applicant and shall include:
 - a. The overall stormwater management concept for the project designed in accordance with Section 134-404.
 - b. Stormwater runoff computations as specified in this Chapter.
 - c. Stormwater management techniques to be applied both during and after development.
 - d. Expected project time schedule.
 - e. Development stages or project phases, if so proposed.
 - f. An operations and maintenance plan in accordance with Section 134-702 of this Chapter.
2. An erosion and sediment control plan.
3. A description of the effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
4. A Declaration of Adequacy and Highway Occupancy Permit from the Pennsylvania Department of Transportation (PennDOT) District office when utilization of a PennDOT storm drainage system is proposed.

5. A justification must be included in the plan if BMPs other than green infrastructure methods and LID practices are proposed to achieve the volume, rate and water quality controls under this Chapter.
 6. An electronic copy of all plans and documents listed above shall also be provided.
- D. Stormwater Management Facilities
1. All PCSWM BMP facilities must be located on a plan and described in detail. The PCSWM Plan Package should include at a minimum Pre- and Post-Drainage Area Plans, an Overall PCSWM Plan, PCSWM Details Sheets, Landscaping or Conservation Plans, etc.
 2. When infiltration measures such as seepage pits, beds, or trenches are used, the locations of existing and proposed septic tank, infiltration areas and wells must be shown. Minimum setback distances should be identified from water supply wells, septic areas, and any adjacent or downgradient buildings and/ or structures with below grade floors or inhabitable space.
 3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

Section 134-303. Plan Submission

The Township shall require receipt of a complete drainage plan, as specified in this Chapter.

- A. Proof of application or documentation of required permit(s) or approvals for the programs listed below shall be part of the plan:
 1. NPDES Permit for Stormwater Discharges from Construction Activities
 2. DEP Joint Permit Application
 3. PennDOT Highway Occupancy Permit
 4. Chapter 105 (Dam Safety and Waterway Management)
 5. Chapter 106 (Floodplain Management)
 6. Any other permit under applicable state or federal regulations
- B. The plan shall be coordinated with the state and federal permit process and the Township's SALDO review process.
- C. For projects that require SALDO approval, the drainage plan shall be submitted by the Applicant as part of the preliminary plan submission where applicable for the regulated activity.
- D. For regulated activities that do not require SALDO approval, see Section 134-301, General Requirements.
- E. Six (6) copies of the drainage plan shall be submitted and distributed as follows:

1. Two (2) copies to the Township accompanied by the requisite fee(s) and/or escrow(s), as specified in this Chapter and the Township Fee Schedule.
 2. Two (2) copies to the County Conservation District when more than one acre disturbance is proposed. (submitted directly by applicant)
 3. One (1) copy to the Township Engineer.
 4. One (1) copy to the Montgomery County Planning Commission.
 5. An electronic copy of all plans and documents listed above shall also be provided to the Township.
- F. Any submissions to the agencies listed above that are found to be incomplete shall not be accepted for review and shall be returned to the Applicant with a notification in writing of the specific manner in which the submission is incomplete.

Section 134-304. Drainage Plan Review

- A. The Township Engineer shall review the drainage plan for consistency with this Chapter and the respective Act 167 Stormwater Management Plan. Any found incomplete shall not be accepted for review and shall be returned to the Applicant.
- B. The Township Engineer shall review the drainage plan for any subdivision or land development against the provisions of Chapter 145, Subdivision and Land Development, of the Township Code not otherwise superseded by this Chapter.
- C. The Conservation District, in accordance with established criteria and procedures, shall review the drainage plan for consistency with stormwater management and erosion and sediment pollution control requirements and provide comments to the Township. Such comments shall be considered by the Township prior to final approval of the drainage plan. For plans with less than one acre disturbance, the Township Engineer may perform the review for stormwater management and erosion and sediment pollution control requirements.
- D. For activities regulated by this Chapter, the Township Engineer shall notify the Applicant and the Township in writing, within 45 calendar days, whether the drainage plan is consistent with the Act 167 Stormwater Management Plan.
 1. If the Township Engineer determines that the drainage plan is consistent with the Act 167 Stormwater Management Plan, the Township Engineer shall forward a letter of consistency to the Township Manager who will then forward a copy to the Applicant.
 2. If the Township Engineer determines that the drainage plan is inconsistent or noncompliant with the Act 167 Stormwater Management Plan, the Township Engineer shall forward a letter to the Township Manager with a copy to the Applicant citing the reason(s) and specific Chapter sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with the Act 167 Stormwater Management Plan. Any drainage plans that are inconsistent or noncompliant may be revised by the Applicant

and resubmitted when consistent with this Chapter. Any inconsistent or noncompliant drainage plans may be revised by the Applicant and resubmitted consistent with this Chapter.

- E. For regulated activities specified in Section 134-105 of this Chapter that require a building permit, the Township Engineer shall notify the Township Building Code Official in writing and copy the applicant, within a time frame consistent with Chapter 61, Uniform Construction Codes, and/or Chapter 145, Subdivision and Land Development, of the Township Code, whether the drainage plan is consistent with the Act 167 Stormwater Management Plan. Any drainage plan deemed inconsistent may be revised by the Applicant and resubmitted consistent with this Chapter.
- F. For regulated activities under this Chapter that require an NPDES Permit Application, the Applicant shall forward a copy of the Township Engineer's letter stating that the drainage plan is consistent with the Act 167 Stormwater Management Plan to the Conservation District and/or DEP. In addition, a short summary of the proposed Post-Construction Stormwater Management design and proposed BMPs should also be forwarded to the Conservation District and/ or DEP. DEP and the Conservation District may consider the Township Engineer's review comments in determining whether to issue a permit.
- G. The Township shall not grant preliminary or final approval to any subdivision or land development for regulated activities specified in Section 134-105 of this Chapter if the drainage plan has been found by the Township Engineer to be inconsistent with the Act 167 Stormwater Management Plan. All required permits from DEP must be obtained prior to approval of any subdivision or land development.
- H. No building permits for any regulated activity specified in Section 134-105 of this Chapter shall be approved by the Township if the drainage plan has been found to be inconsistent with the Act 167 Stormwater Management Plan, as determined by the Township Engineer or Conservation District, or without considering the comments of the Township Engineer and Conservation District. All required permits from DEP must be obtained prior to issuance of a building permit.
- I. The Applicant shall be responsible for completing record drawings of all stormwater management facilities included in the approved drainage plan. The record drawings and an explanation of any discrepancies with the design plans shall be submitted to the Township Engineer for final approval. In no case shall the Township approve the record drawings until the Township receives a copy of an approved Declaration of Adequacy and/or Highway Occupancy Permit from the PennDOT District office, NPDES Permit, and any other applicable permits or approvals from DEP or the Conservation District. The above permits and approvals must be based on the record drawings.
- J. The Township's approval of a drainage plan shall be valid for a period not to exceed 5 years commencing on the date that the Township signs the approved drainage plan. If stormwater management facilities included in the approved drainage plan have not been constructed, or if constructed, record drawings of

these facilities have not been approved within this 5 year time period, then the Township may consider the drainage plan inconsistent or noncompliant and may revoke any and all permits. Drainage plans that are determined to be inconsistent or noncompliant by the Township shall be resubmitted in accordance with Section 134-306 of this Chapter.

- K. For any plan that proposes to use any BMPs other than green infrastructure and LID practices to achieve the volume and rate controls required under this Chapter, the Township will not approve the plan unless it determines that green infrastructure and LID practices are not practicable.

Section 134-305. Modification of Plans

- A. A modification to a submitted drainage plan under review by the Township for a development site that involves the following shall require a resubmission to the Township of a modified drainage plan consistent with Section 134-303 of this Chapter and be subject to review as specified in Section 134-304 of this Chapter:
 - 1. Change in stormwater management facilities or techniques,
 - 2. Relocation or redesign of stormwater management facilities, or
 - 3. Is necessary because soil or other conditions are not as stated on the drainage plan as determined by the Township Engineer.
- B. A modification to an already approved or inconsistent or noncompliant drainage plan shall be submitted to the Township, accompanied by the applicable fee(s) and escrow(s). A modification to a drainage plan for which a formal action has not been taken by the Township shall be submitted to the Township accompanied by the applicable fee(s) and escrow(s).

Section 134-306. Resubmission of Inconsistent or Noncompliant Drainage Plans

An inconsistent or noncompliant drainage plan may be resubmitted with the revisions addressing the Township Engineer's concerns documented in writing. It must be addressed to the Township Manager in accordance with Section 134-303 of this Chapter, distributed accordingly, and be subject to review as specified in Section 134-304 of this Chapter. The applicable fee(s) and escrow(s) must accompany a resubmission of an inconsistent or noncompliant drainage plan.

ARTICLE IV – STORMWATER MANAGEMENT

Section 134-401. General Requirements

- A. Applicants proposing regulated activities in the Township that do not fall under the exemption criteria shown in Section 134-106 shall submit a drainage plan consistent with this Chapter and the respective Act 167 Stormwater Management Plan to the Township for review. The stormwater management criteria of this Chapter shall apply to the total proposed development even if development is to take place in stages.
- B. The Applicant is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces, and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime.
- C. The drainage plan must be designed consistent with the sequencing provisions of Section 134-404 to ensure maintenance of the natural hydrologic regime, to promote groundwater recharge, and to protect groundwater and surface water quality and quantity. The drainage plan designer must proceed sequentially in accordance with Article IV of this Chapter.
- D. Stormwater drainage systems shall be designed in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Chapter.
- E. Existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Chapter.
- F. Areas of existing diffused drainage discharge, whether proposed to be concentrated or maintained as diffused drainage areas, shall be subject to any applicable discharge criteria in the general direction of existing discharge, except as otherwise provided by this Chapter. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge or otherwise prove that no erosion, sedimentation, flooding, or other impacts will result from the concentrated discharge.
- G. Where a development site is traversed by existing streams, drainage easements shall be provided conforming to the line of such streams. The terms of the easement shall conform to the stream buffer requirements contained in Section 134-406.G of this Chapter.
- H. Any stormwater management facilities regulated by this Chapter that would be located in or adjacent to waters of the Commonwealth or delineated wetlands shall be subject to approval by DEP through the Joint Permit Application or the Environmental Assessment Approval process, or where deemed appropriate, by the DEP General Permit process. When there is a question as to whether wetlands

may be involved, it is the responsibility of the Applicant or his/her/their agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from DEP.

- I. Any proposed stormwater management facilities regulated by this Chapter that would be located on state highway rights-of-way shall be subject to approval by PennDOT.
- J. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., is encouraged where soil conditions permit in order to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- K. All stormwater runoff shall be pretreated for water quality prior to discharge to surface or groundwater.
- L. All regulated activities within the Township shall be designed, implemented, operated, and maintained to meet the purposes of this Chapter, through these three elements:
 - 1. Erosion and sediment control during earth disturbance activities (e.g., during construction), and
 - 2. Water quality protection measures after completion of earth disturbance activities (i.e., after construction), including operations and maintenance.
 - 3. Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual). If methods other than green infrastructure and LID methods are proposed to achieve the volume and rate controls required under this Chapter, the plan must include a detailed justification demonstrating that the use of LID and green infrastructure is not practicable.
- M. No regulated earth disturbance activities within the Township shall commence until the requirements of this Chapter are met.
- N. Post-construction water quality protection shall be addressed as required by Section 134-406.
- O. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article VII.
- P. All BMPs used to meet the requirements of this Chapter shall conform to the state water quality requirements and any more stringent requirements as set forth by the Township.
- Q. Techniques described in Appendix D (Low Impact Development) of this Chapter shall be considered because they reduce the costs of complying with the requirements of this Chapter and the state water quality requirements.
- R. In selecting the appropriate BMPs or combinations thereof, the Applicant shall consider the following:
 - 1. Total contributing area.

2. Permeability and infiltration rate of the site's soils.
 3. Slope and depth to bedrock.
 4. Seasonal high water table.
 5. Proximity to building foundations and wellheads.
 6. Erodibility of soils.
 7. Land availability and configuration of the topography.
 8. Peak discharge and required volume control.
 9. Stream bank erosion.
 10. Effectiveness of the BMPs to mitigate potential water quality problems.
 11. The volume of runoff that will be effectively treated.
 12. The nature of the pollutant being removed.
 13. Maintenance requirements.
 14. Creation/protection of aquatic and wildlife habitat.
 15. Recreational value.
- S. The applicant may meet the stormwater management criteria through off-site stormwater management measures as long as the proposed measures are in the same subwatershed as shown in Chapter 134, Appendix A.
- T. The green infrastructure and low impact development practices provided in the BMP Manual shall be utilized for all regulated activities wherever possible.
- U. Stormwater runoff from any regulated activity shall not exceed the capacity of downstream stormwater conveyances.

Section 134-402. Permit Requirements by Other Governmental Entities

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

- A. All regulated earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pennsylvania Code Chapter 102.
- B. Work within natural drainage ways subject to permit by DEP under 25 Pennsylvania Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pennsylvania Code Chapter 105.
- D. Any stormwater management facility that would be located on a state highway right-of-way or require access from a state highway shall be subject to approval by PennDOT.

- E. Culverts, bridges, storm sewers, or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pennsylvania Code Chapter 105.

Section 134-403. Erosion and Sediment Control During Regulated Earth Disturbance Activities

- A. No regulated earth disturbance activities within the Township shall commence until the Township receives an approval from the Conservation District or the Township Engineer of an erosion and sediment control plan for construction activities.
- B. DEP has regulations that require an erosion and sediment control plan for any earth disturbance activity of five thousand (5,000) square feet or more, under 25 Pennsylvania Code § 102.4(b).
- C. In addition, under 25 Pennsylvania Code Chapter 92, a DEP Permit for Stormwater Discharges Associated with Construction Activities is required for land disturbances greater than 1 acre.
- D. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Township.
- E. A copy of the erosion and sediment control plan and any required permit, as required by DEP regulations, shall be available on the project site at all times.
- F. Additional erosion and sediment control design standards and criteria are recommended to be applied where infiltration BMPs are proposed. They shall include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity. Additional measures, such as placement of orange construction fencing around proposed Infiltration BMPs during construction to minimize or eliminate traffic overtop of these areas, and temporary sealing off of pipes and inlet connections to Infiltration BMPs to prevent sediment clogging should be given consideration.
 - 2. Infiltration BMPs shall not be constructed nor receive runoff until the entire drainage area contributory to the infiltration BMP has achieved final stabilization.

Section 134-404. Nonstructural Project Design (Sequencing to Minimize Stormwater Impacts)

- A. The design of all regulated activities shall include the following to minimize stormwater impacts.
 - 1. The Applicant shall find practicable alternatives to the surface discharge of stormwater, such as those listed in Chapter 134, Appendix E, Table E-4, the creation of impervious surfaces, and the degradation of waters of the

Commonwealth and must maintain as much as possible the natural hydrologic regime of the site.

2. An alternative is practicable if it is available and capable of implementation after taking into consideration existing technology and logistics in light of overall project purposes and other Township requirements.
3. All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.

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

1. Prepare an Existing Resource and Site Analysis Map (ERSAM) showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, stream buffers, hydrologic soil groups, wooded areas, and potential infiltration areas. Land development, any existing recharge areas, and other requirements outlined in Chapter 145, Subdivision and Land Development, of the Township Code shall also be included.
2. Establish a stream buffer according to Section 134-406.G.
3. Prepare a draft project layout avoiding sensitive areas identified in Section 134-404.B.1.
4. Identify site-specific existing conditions drainage areas, discharge points, recharge areas, and hydrologic soil groups A and B (areas conducive to infiltration). Infiltration should still be considered in well draining soils listed as hydrologic soil group C, but additional soils testing should be performed to verify onsite conditions and placement of these BMPs.
5. Evaluate nonstructural stormwater management alternatives:
 - a. Minimize earth disturbance.
 - b. Minimize impervious surfaces.
 - c. Break up large impervious surfaces.
6. Satisfy the groundwater recharge (infiltration) objective (Section 134-405) and provide for stormwater pretreatment prior to infiltration.
7. Provide for water quality protection in accordance with Section 134-406 water quality requirements.
8. Provide stream bank erosion protection in accordance with Section 134-407 stream bank erosion requirements.
9. Determine into what management district the site falls (Chapter 134, Appendix A) and conduct an existing conditions runoff analysis.

10. Prepare final project design to maintain existing conditions drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and, to the maximum extent possible, to ensure that the remaining site development has no surface or point discharge.
11. Conduct a proposed conditions runoff analysis based on the final design that meets the management district requirements (Section 134-408).
12. Manage any remaining runoff prior to discharge through detention, bioretention, direct discharge, or other structural control.

Section 134-405. Groundwater Recharge

Maximizing the groundwater recharge capacity of the area being developed is required. Design of the infiltration facilities shall consider groundwater recharge to compensate for the reduction in the recharge that occurs when the ground surface is disturbed or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs that may be designed to compensate for the runoff from parking areas. These measures are required to be consistent with Section 134-103 and to take advantage of utilizing any existing recharge areas. Infiltration may not be feasible on every site due to site-specific limitations such as soil type. If it cannot be physically accomplished, then the design professional shall be responsible to show that this cannot be physically accomplished. Appropriate soils testing and/or geotechnical evaluation shall be included as part of any documentation for infiltration BMPs. If it can be physically accomplished, then the volume of runoff to be infiltrated shall be determined from Section 134-405.A.2.

A. Infiltration BMPs shall meet the following minimum requirements:

1. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:
 - a. A minimum depth of twenty-four (24) inches, preferably 36 inches, between the bottom of the BMP and the top of the limiting zone (e.g., SHWT, groundwater, bedrock, etc.).
 - b. An infiltration rate sufficient to accept the additional stormwater load and dewater completely as determined by field tests conducted by the Applicant's design professional.
 - c. The infiltration facility shall be capable of completely infiltrating the recharge (infiltration) volume (Rev) within three (3) days (72 hours) or less.
 - d. Pretreatment shall be provided prior to infiltration.
2. The size of the infiltration facility shall be based upon the Net Two Year Volume Approach, where the recharge (infiltration) volume (Rev) to be captured and infiltrated shall be the volume difference between the pre-development 2-year, 24-hour storm event and post-development 2-year, 24-hour storm event.

The recharge volume calculated using this section is the minimum volume the Applicant must control through an infiltration BMP facility. However, if a site has areas of soils where additional volume of recharge can be achieved, the Applicant is encouraged to infiltrate as much of the stormwater runoff from the site as possible.

- a. Existing (pre-development) non-forested pervious areas must be considered meadow (good condition) or its equivalent.
 - b. Twenty (20) percent of existing impervious area, when present, shall be considered meadow (good condition) in the model for existing use conditions for redevelopment.
3. Simplified Volume Computation: Capture 1.56 inches of rainfall for all impervious surfaces – for projects with less than 5,000 sq. ft. impervious surface and less than 5,000 sq. ft. of earth disturbance. A simpler method of volume computation is permitted for projects that meet all of the following criteria:
- more than 1000 sq. ft. and less than 5000 sq. ft. new impervious surface area is proposed,
 - less than 5000 sq. ft. of total area is to be disturbed,
 - soil and site conditions are suitable for infiltration as described in Section 134-405. A. 1.

For such projects, the required infiltration volume may be computed by the following equation:

$$\text{Recharge Volume (cubic feet)} = \text{Area Impervious (square feet)} \times 0.13$$

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

4. If on-lot infiltration structures are proposed by the Applicant's design professional, it must be demonstrated to the Township that the soils are conducive to infiltrate on the lots identified.
- C. Stormwater Hotspots – Below is a list of examples of designated hotspots. If a site is designated as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots shall not be allowed to recharge into groundwater where it may contaminate water supplies. Therefore, the Rev requirement shall NOT be applied to development sites that fit into the hotspot category (the entire WQ_v must still be treated). Second, a greater level of stormwater treatment shall be considered at hotspot sites to prevent pollutant washoff after construction. The Environmental Protection Agency's (EPA) NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

Examples of hotspots:

- Vehicle salvage yards and recycling facilities
- Vehicle fueling stations
- Vehicle service and maintenance facilities
- Vehicle and equipment cleaning facilities
- Fleet storage areas (bus, truck, etc.)
- Industrial sites based on Standard Industrial Codes
- Marinas (service and maintenance)
- Outdoor liquid container storage
- Outdoor loading/unloading facilities
- Public works storage areas
- Facilities that generate or store hazardous materials
- Commercial container nursery
- Other land uses and activities as designated by an appropriate review authority

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

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

While large highways (average daily traffic volume (ADT) greater than thirty thousand (30,000) are not designated as stormwater hotspots, it is important to ensure that highway stormwater management plans adequately protect groundwater.

- D. Extreme caution shall be exercised where infiltration is proposed in SWPAs as defined by the Township or water authority.
- E. Infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.
- F. Extreme caution shall be exercised where salt or chloride (municipal salt storage) would be a pollutant since soils do little to filter this pollutant, and it may contaminate the groundwater. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration facility and perform a hydrogeologic justification study if necessary. Specific consideration should be given to the particular type of salt or deicing material to be used within this watershed in regards to its potential long-term effects on the soils, especially in areas that contain clay soil.
- G. The infiltration requirement in HQ or EV waters shall be subject to the Department's Chapter 93 Anti-degradation Regulations.
- H. An impermeable liner will be required in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the Township.
- I. The Township shall require the Applicant to provide safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.

Section 134-406. Water Quality Requirements

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

- A. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a plan that demonstrates compliance with post-construction state water quality requirements.
- B. The BMPs shall be designed, implemented, and maintained to meet state water quality requirements and any other more stringent requirements as determined by the Township.
- C. To control post-construction stormwater impacts from regulated earth disturbance activities, state water quality requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions so that post-construction stormwater discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - 1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 - 2. Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and

3. Stream bank and Stream bed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. Developed areas shall provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. If site conditions allow for infiltration, the water quality volume and the recharge volume are the same volume and may be managed in a single facility. If infiltration can not be physically accomplished, the water quality volume should be calculated using the Net Two Year Volume Approach described in Section 134-405.A.2. In this case, the water quality volume may be captured and treated by methods other than infiltration BMPs.
- This volume requirement can be accomplished by the permanent volume of a wet basin or the detained volume from other BMPs. Where appropriate, wet basins shall be utilized for water quality control and shall follow the guidelines of the BMP manuals referenced in Chapter 134, Appendix F.
- The water quality volume shall take a minimum of 24 hours to be discharged from a BMP facility. Release of the water quality volume can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall provide for protection from clogging and unwanted sedimentation.
- E. For areas within defined special protection subwatersheds that include EV and HQ waters, the temperature and quality of water and streams shall be maintained through the use of temperature sensitive BMPs and stormwater conveyance systems.
- F. To accomplish the above, the Applicant shall submit original and innovative designs to the Township Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of different BMPs.
- G. If a perennial or intermittent stream passes through the site, the Applicant shall create a stream buffer extending a minimum of thirty-five (35) feet to either side of the top-of-bank of the channel. The buffer area shall be maintained with and encouraged to use appropriate native vegetation (refer to Appendix B of the Pennsylvania Stormwater Best Management Practices Manual, latest version, for plant lists). If an existing buffer is legally prescribed (i.e., deed, covenant, easement, etc.) and it exceeds the requirements of this Chapter, the existing buffer shall be maintained. This does not include lakes or wetlands.
- H. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office must be provided to the Township.

Section 134-407. Stream Bank Erosion Requirements

- A. In addition to the control of water quality volume (in order to minimize the impact of stormwater runoff on downstream stream bank erosion), the primary requirement is to design a BMP to detain the proposed conditions 2-year, 24-hour

design storm to the existing conditions 1-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1-year storm takes a minimum of twenty-four (24) hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured (i.e., the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility).

- B. The minimum orifice size in the outlet structure to the BMP shall be three (3) inches in diameter where possible, and a trash rack shall be installed to prevent clogging. On sites with small drainage areas contributing to this BMP that do not provide enough runoff volume to allow a 24-hour attenuation with the 3-inch orifice, the calculations shall be submitted showing this condition. Orifice sizes less than three (3) inches can be utilized, provided that the design will prevent clogging of the intake.

Section 134-408. Stormwater Peak Rate Control

- A. The criteria for peak runoff control are designed to reduce the post-development peak flow to 50% of the pre-development peak flow. Development sites must control proposed conditions runoff rates to 50% of the existing conditions runoff rates for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year storm events.
- B. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas recombine in proximity to the site. In this case, peak discharge in any direction may be a 100% release rate provided that the overall site discharge meets the weighted average release rate.
- C. Off-Site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- D. Site Areas - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the peak rate control standards noted above. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the peak rate control standards.
- E. Alternate Criteria for Redevelopment Sites - For redevelopment sites, one of the following minimum design parameters shall be accomplished, whichever is most appropriate for the given site conditions as determined by Lower Frederick Township;
 - 1. Meet the full requirements specified by Sections 408.A through 408.F or

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

Section 134-409. Calculation Methodology

- A. Stormwater runoff from all development sites with a drainage area of greater than two hundred (200) acres shall be calculated using a generally accepted calculation technique that is based on the NRCS Soil Cover Complex Method. Table 409.1 summarizes acceptable computation methods, and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. Note that successors to the methods listed in Table 409.1 are also acceptable, such as WinTR55 for TR-55 and WinTR20 for TR-20. The Township may allow the use of the Rational Method to estimate peak discharges from drainage areas that contain less than two hundred (200) acres. The Soil Cover Complex Method shall be used for drainage areas greater than two hundred (200) acres.

TABLE 409.1
ACCEPTABLE COMPUTATION METHODOLOGIES FOR
STORMWATER MANAGEMENT PLANS

Method	Developed By	Applicability
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans where limitations described in TR-55.
HEC-1/ HEC-HMS	US Army Corps of Engineers	Applicable where use of a full hydrologic computer is desirable or necessary.
PSRM	Penn State University	Applicable where use of a hydrologic model is desirable or necessary; simpler than TR-20 or HEC-1.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling (1889)	For sites less than two hundred (200) acres, or as approved by the Township and/or Township Engineer.
Other Methods	Varies	Other computation methodologies approved by the Township and/or Township Engineer.

- B. All calculations consistent with this Chapter using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms according to the region in which they are located as presented in NOAA Atlas 14 Point Precipitation Frequency Estimates as last amended. Table E-1 in Appendix E of this Chapter provides this data as current at the time of adoption of this Chapter. If a hydrologic computer model such as PSRM or HEC-1 / HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be twenty-four (24) hours.
- C. The following criteria shall be used for runoff calculations:
1. For development sites not considered redevelopment, the ground cover used in determining the existing conditions flow rates shall be as follows:
 - a. Wooded sites shall use a ground cover of "woods in good condition." A site shall be considered to be a wooded site where a biological community dominated by trees and other woody plants exists that covers an area of 10,000 square feet or more, and contains at least 100 trees with at least 50% of those trees having a dbh of 2" or

greater. (Duerksen, Christopher J., with Suzanne Richman, Tree Conservation Ordinances, Planning Advisory Service Report Number 446, American Planning Association, Chicago, Illinois, and Scenic America, Washington, D.C., August, 1993.)

- b. The undeveloped portion of the site including agriculture, bare earth, and fallow ground shall be considered as “meadow in good condition,” unless the natural ground cover generates a lower curve (CN) number or Rational “c” value (i.e., woods) as listed in Tables E-2 or E-3 in Appendix E of this Chapter.
 - c. Offsite land use conditions used to determine storm flows for designing storm facilities shall be based on existing land uses assuming winter or poor land cover conditions.
- 2. For development considered redevelopment sites, twenty (20) percent of existing impervious area, when present, shall be considered meadow (good condition) in the model for existing use conditions for redevelopment. Otherwise, the ground cover used in determining the existing conditions flow rates for the developed portion of the site shall be based upon actual land cover conditions, plus the added capacity noted in §134-409.C.3.
- 3. The proposed conditions design shall provide added capacity to mitigate the lesser of:
 - a. One thousand (1,000) square feet of additional future impervious areas for each lot or
 - b. the maximum impervious area allowable in Chapter 170, Zoning, of the Lower Frederick Township Code for the applicable District.
- D. All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods presented in the appropriate curves from the PennDOT Storm-Duration-Frequency Chart as last amended (Region 4 is included in Figure E-3). The user should refer to the Atlas 14, Volume 2, Storm-Duration-Frequency Chart (as last amended). Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of *Urban Hydrology for Small Watersheds*, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of-concentration for channel and pipe flow shall be computed using Manning’s equation.
- E. Runoff curve numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex Method shall be obtained from Table E-2 in Appendix E of this Chapter.
- F. Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table E-3 in Appendix E of this Chapter.
- G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning’s roughness coefficient (n) shall be consistent with accepted published values.

- H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Chapter using any generally accepted hydraulic analysis technique or method.
- I. The design of any stormwater detention facilities intended to meet the performance standards of this Chapter shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph. The Township may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

Section 134-410. Riparian Buffers

- A. In order to protect and improve water quality, a Riparian Buffer Easement shall be created and recorded as part of any subdivision or land development that encompasses a Riparian Buffer.
- B. Except as required by Chapter 102, the Riparian Buffer Easement shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of 35 feet from the top of the streambank (on each side).
- C. Minimum Management Requirements for Riparian Buffers.
 - 1. Existing native vegetation shall be protected and maintained within the Riparian Buffer Easement.
 - 2. Whenever practicable invasive vegetation shall be actively removed and the Riparian Buffer 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.
- D. The Riparian Buffer Easement shall be enforceable by the Township and shall be recorded in the appropriate 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 the continued private ownership and shall count toward the minimum lot area as required by Zoning, unless otherwise specified in Chapter 170, Zoning, of the Township Code.
- E. Any permitted use within the Riparian Buffer Easement shall be conducted in a manner that will maintain the extent of the existing 100-year floodplain, improve or 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 Buffers:
 - 1. Trails shall be for non-motorized use only.
 - 2. Trails shall be designed to have the least impact on native plant species and other sensitive environmental features.

- G. Septic drainfields and sewage disposal systems shall not be permitted within the Riparian Buffer Easement and shall comply with setback requirements established under 25 Pa. Code Chapter 73.

Section 134-411. Other Requirements

- A. All wet basin designs shall incorporate biologic controls consistent with the West Nile Guidance found in Chapter 134, Appendix G.
- B. Any stormwater management facility (i.e., detention basin) required or regulated by this Chapter designed to store runoff and requiring a berm or earthen embankment shall be designed to provide an emergency spillway to handle flow up to and including the 100-year proposed conditions. The height of embankment must provide a minimum 1.5-foot of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under DEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety. Chapter 105 may be required to pass storms larger than the 100-year event.
- C. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures) and any work involving wetlands governed by DEP Chapter 105 regulations (as amended or replaced from time to time by DEP) shall be designed in accordance with Chapter 105 and will require a permit from DEP.
- D. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum one (1.0) foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in DEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- E. Any drainage conveyance facility and/or channel not governed by Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure. Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- F. Storm sewers must be able to convey proposed conditions runoff from a 25-year design storm without surcharging inlets, where appropriate.
- G. Adequate erosion protection shall be provided along all open channels and at all points of discharge.

- H. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Township reserves the right to disapprove any design that would result in construction in or continuation of a stormwater problem area.

ARTICLE V CONSTRUCTION INSPECTIONS

Section 134-501. Construction Inspections

- A. The Township Engineer or his/her/their designee shall inspect all phases of the installation of the permanent BMPs and/or stormwater management facilities as deemed appropriate by the Township Engineer.
- B. During any stage of the work, if the Township Engineer or his/her/their designee determines that the permanent BMPs and/or stormwater management facilities are not being installed in accordance with the approved stormwater management plan, the Township shall revoke any existing permits or other approvals and issue a cease and desist order until a revised drainage plan is submitted and approved, as specified in this Chapter, and until the deficiencies are corrected.
- C. A final inspection of all BMPs and/or stormwater management facilities shall be conducted by the Township Engineer or his/her/their designee to confirm compliance with the approved drainage plan prior to the issuance of any occupancy permit.

ARTICLE VI FEES AND EXPENSES

Section 134-601. Township Drainage Plan Review and Inspection Fee

Fees shall be established by the Township to defray plan review and construction inspection costs incurred by the Township. All fees shall be paid by the Applicant at the time of drainage plan submission. A review and inspection fee schedule shall be established by resolution of the Township Board of Supervisors based on the size of the regulated activity and based on the Township's costs for reviewing drainage plans and conducting inspections pursuant to Section 134-501. The Township shall periodically update the review and inspection fee schedule to ensure that review costs are adequately reimbursed.

Section 134-602. Expenses Covered by Fees

The fees required by this Chapter shall at a minimum cover:

- A. Administrative costs.
- B. The review of the drainage plan by the Township and the Township Engineer.
- C. The site inspections.
- D. Meeting attendance.
- E. The inspection of stormwater management facilities and drainage improvements during construction.
- F. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the drainage plan.
- G. Any additional work required to enforce any permit provisions regulated by this Chapter, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII MAINTENANCE RESPONSIBILITIES

Section 134-701. Performance Guarantee

- A. For subdivisions and land developments, the Applicant shall provide a financial guarantee to the Township for the timely installation and proper construction of all stormwater management controls as:
 - 1. Required by the approved drainage plan equal to or greater than the full construction cost of the required controls, or
 - 2. The amount and method of payment provided for in the SALDO.
- B. For other regulated activities, the Township may require a financial guarantee from the Applicant.

Section 134-702. Responsibilities for Operations and Maintenance of Stormwater Controls and BMPs

- A. No regulated earth disturbance activities within the Township shall commence until approval by the Township of a stormwater control and BMP operations and maintenance plan that describes how the permanent (e.g., post-construction) stormwater controls and BMPs will be properly operated and maintained.
- B. The following items shall be included in the stormwater control and BMP operations and maintenance plan:
 - 1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Montgomery County, shall be submitted on 24-inch x 36-inch sheets. The contents of the maps(s) shall include, but not be limited to:
 - a. Clear identification of the location and nature of permanent stormwater controls and BMPs,
 - b. The location of the project site relative to highways, municipal boundaries, or other identifiable landmarks,
 - c. Existing and final contours at intervals of two (2) feet, or others as appropriate,
 - d. Existing streams, lakes, ponds, or other bodies of water within the project site area,
 - e. Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved,
 - f. The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines of the project site,

- g. Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added,
 - h. Proposed final structures, roads, paved areas, and buildings, and
 - i. A 15-foot wide access easement around all stormwater controls and BMPs that would provide ingress to and egress from a public right-of way.
 - 2. A description of how each permanent stormwater control and BMP will be operated and maintained, and the identity and contact information associated with the person(s) responsible for operations and maintenance.
 - 3. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
 - 4. A statement, signed by the landowner, acknowledging that the stormwater controls and BMPs are fixtures that can be altered or removed only after approval by the Township.
- C. The stormwater control and BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater controls and BMPs, as follows:
- 1. If a plan includes structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Township, stormwater controls and BMPs may also be dedicated to and maintained by the Township.
 - 2. If a plan includes operations and maintenance by a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater controls and BMPs shall be the responsibility of the owner or private management entity.
- D. The Township shall make the final determination on the continuing operations and maintenance responsibilities. The Township reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and BMPs.

Section 134-703. Township Review of a Stormwater Control and BMP Operations and Maintenance Plan

- A. The Township shall review the stormwater control and BMP operations and maintenance plan for consistency with the purposes and requirements of this Chapter and any permits issued by DEP.
- B. The Township shall notify the Applicant in writing whether or not the stormwater control and BMP operations and maintenance plan is approved.
- C. The Township may require a “record drawing” of all stormwater controls and BMPs and an explanation of any discrepancies with the operations and maintenance plan.

Section 134-704. Adherence to an Approved Stormwater Control and BMP Operations and Maintenance Plan

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

Section 134-705. Operations and Maintenance Agreement for Privately Owned Stormwater Controls and BMPs

- A. The Applicant shall sign an operations and maintenance agreement with the Township covering all stormwater controls and BMPs that are to be privately owned. The maintenance agreement shall be transferred with transfer of ownership. The agreement shall be substantially the same as the agreement in Appendix H of this Chapter.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater controls and BMPs. The agreement shall be subject to the review and approval of the Township.

Section 134-706. Stormwater Management Easements

- A. Stormwater management easements are required for all areas used for off-site stormwater control.
- B. Stormwater management easements shall be provided by the Applicant or property owner if necessary for access for inspections and maintenance or the preservation of stormwater runoff conveyance, infiltration, and detention areas and other stormwater controls and BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 134-705.

Section 134-707. Maintenance Agreement for Privately Owned Stormwater Facilities

- A. Prior to final approval of the site's drainage plan, the Applicant shall sign and record the maintenance agreement contained in Chapter 134, Appendix H which is attached and made part hereof covering all stormwater control facilities that are to be privately owned.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the Township Solicitor and the Township Board of Supervisors.

Section 134-708. Recording of an Approved Stormwater Control and BMP Operations and Maintenance Plan and Related Agreements

- A. The owner of any land upon which permanent stormwater controls and BMPs will be placed, constructed, or implemented, as described in the stormwater control and BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for Montgomery County, within fifteen (15) days of approval of the stormwater control and BMP operations and maintenance plan by the Township:
 - 1. The operations and maintenance plan, or a summary thereof,
 - 2. Operations and maintenance agreements under Section 134-705, and
 - 3. Easements under Section 134-706.
- B. The Township may suspend or revoke any approvals granted for the project site upon discovery of failure on the part of the owner to comply with this Section.

ARTICLE VIII PROHIBITIONS

Section 134-801. Prohibited Discharges

- A. No person in the Township shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges that may be allowed based on a finding by the Township that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - 1. Discharges from fire fighting activities
 - 2. Potable water sources including dechlorinated water line and fire hydrant flushings
 - 3. Irrigation drainage
 - 4. Routine external building washdown (which does not use detergents or other compounds)
 - 5. Air conditioning condensate
 - 6. Water from individual residential car washing
 - 7. Spring water from crawl space pumps
 - 8. Uncontaminated water from foundation or from footing drains
 - 9. Flows from riparian habitats and wetlands
 - 10. Lawn watering
 - 11. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
 - 12. Dechlorinated swimming pool discharges
 - 13. Uncontaminated groundwater
- C. In the event that the Township determines that any of the discharges identified in Section 134-801.B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Township will notify the responsible person to cease the discharge.
- D. Upon notice provided by the Township under Section 134-801.C, the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this section shall affect a discharger's responsibilities under state law.

Section 134-802. Prohibited Connections

- A. The following connections are prohibited, except as provided in Section 134-801.B above:
 - 1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks; and
 - 2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system that has not been documented in plans, maps, or equivalent records and approved by the Township.

Section 134-803. Roof Drains

- A. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted on a case by case basis as determined by the Township.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

Section 134-804. Drainage Connections

All drainage and discharge from a sump pump, roof drain, gravity drain, floor drain, surface drain, subsoil drain, foundation/footing drain, and/or leader pipe shall comply with all of the following:

- A. The drainage and discharge location shall not create a public nuisance (as defined by the township.)
- B. The drainage and discharge shall not create a buildup of icing, standing water or algae growth on any street, sidewalk, public right-of-way, or adjacent property. In no case shall drainage and discharge be directed across a sidewalk or walkway or onto a street. If curbing is present, no drainage pipes shall pass through the curb to direct the drainage and discharge onto the street.
- C. No drainage or discharge shall be directed to any on-lot sanitary sewer system or public sanitary sewer.
- D. The drainage and discharge shall not be directed to any adjacent property in a manner that causes damage or creates a nuisance and shall not be discharged from a hose, pipe, or drain any closer than twenty (20) feet from the property line unless permission is granted by adjacent property

owner. No drainage or discharge pipes shall extend beyond the building envelope for the lot unless they are directly connected to an infiltration facility, detention basin, storm sewer pipe, or as approved by the Township.

- E. To the maximum extent practicable (as determined by the Township Engineer), all drainage and discharge shall be directed to infiltration or vegetative BMPs or a storm sewer system connected to such BMPs, or when such BMPs are not available, to vegetated basins or other stormwater management areas with sufficient capacity.
- F. Where connections in accordance with Subsection 134-804.E above are not possible, all drainage and discharge shall be directed towards and/or connected to a natural watercourse, drainage swale, or stormwater easement; if such direction and connection is possible, is reviewed by, and determined necessary and acceptable by the Township Engineer.
- G. Where connections in accordance with Subsections 134-804.E and F above are not possible or approved by the Township Engineer, all discharge and drainage shall be discharged upon the property that produced it in such a fashion as to provide the greatest chance for it to infiltrate before exiting the property.
- H. Drainage and discharge shall be considered in stormwater management calculations to demonstrate that conveyance and receiving facilities have adequate capacity.

Section 134-805. Alteration of BMPs

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

ARTICLE IX ENFORCEMENT AND PENALTIES

Section 134-901. Right-of-Entry

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

Section 134-902. Inspection

The landowner or the owner's designee (including the Township for dedicated and owned facilities) shall inspect BMPs, facilities and/or structures installed under this Chapter according to the following frequencies, at a minimum, to ensure the BMPs, facilities and/or structures continue to function as intended:

- 1. Annually for the first 5 years.
- 2. Once every 3 years thereafter.
- 3. During or immediately after the cessation of a 10-year or greater storm.

Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Township within 30 days following completion of the inspection.

Section 134-903. Public Nuisance

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

Section 134-904. Enforcement Generally

- A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Township may order compliance by written notice to the responsible person. Such notice may, without limitation, require the following remedies:
 - 1. Performance of monitoring, analyses, and reporting;
 - 2. Elimination of prohibited connections or discharges;
 - 3. Cessation of any violating discharges, practices, or operations;
 - 4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 5. Payment of a fine to cover administrative and remediation costs;
 - 6. Implementation of stormwater controls and BMPs; and
 - 7. Operation and maintenance of stormwater controls and BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the 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 Chapter. 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.

Section 134-905. Suspension and Revocation of Permits and Approvals

- A. Any building, land development, or other permit or approval issued by the Township may be suspended or revoked by the Township for:
 - 1. Noncompliance with or failure to implement any provision of the permit;
 - 2. A violation of any provision of this Chapter; or
 - 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution, or which endangers the life, health, or property of others.
- B. A suspended permit or approval shall be reinstated by the Township when:
 - 1. The Township Engineer or designee has inspected and approved the corrections to the stormwater controls and BMPs or the elimination of the hazard or nuisance, and/or
 - 2. The Township is satisfied that the violation of this Chapter or other law, rule, or regulation has been corrected.

- C. A permit or approval that has been revoked by the Township cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined in this Chapter.

Section 134-906. Penalties

- A. Any person violating the provisions of this Chapter shall be guilty of a summary offense and, upon conviction, shall be subject to a fine of not more than \$1000 for each violation, recoverable with costs, or imprisonment of not more than 90 days, or both. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.
- B. In addition, the Township, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Section 134-907. Notification

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

Section 134-908. Enforcement

The Township Board of Supervisors is hereby authorized and directed to enforce all of the provisions of this Chapter. All inspections regarding compliance with the drainage plan shall be the responsibility of the Township Engineer or other qualified persons designated by the Township.

- A. A set of design plans approved by the Township shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Township or designee during construction.
- B. It shall be unlawful for any person, firm, or corporation to undertake any regulated activity under Section 134-104 on any property except as provided for in the approved drainage plan and pursuant to the requirements of this Chapter. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this Chapter or to allow the property to remain in a condition that does not conform to the approved drainage plan.

- C. At the completion of the project and as a prerequisite for the release of the performance guarantee, the owner or his/her/their representatives shall:
 - 1. Provide a certification of completion from an engineer, architect, surveyor, or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 - 2. Provide a set of as-built (record) drawings.
- D. After receipt of the certification by the Township, a final inspection shall be conducted by the Township Engineer or designated representative to certify compliance with this Chapter.
- E. Prior to revocation or suspension of a permit and at the request of the Applicant, the Governing Body will schedule a hearing to discuss the noncompliance if there is no immediate danger to life, public health, or property. The expense of a hearing shall be the Applicant's responsibility.
- F. Occupancy Permit: An occupancy permit shall not be issued unless the certification of completion pursuant to Section 134-907.C.1 has been secured. The occupancy permit shall be required for each lot owner and/or Applicant for all subdivisions and land developments in the Township.

Section 134-909. Appeals

- A. Any person aggrieved by any action of Lower Frederick Township or its designee must appeal in writing to Board of Supervisors within thirty (30) days of that action. For the purposes of this appeal procedure the postmark will establish the date of appeal.
- B. The Board of Supervisors shall have at least 45 days to make a decision relating to any appeal. The Board of Supervisors may hold a hearing on the issue during the 45 days. The Board will issue a written decision to the appellant during the 45 days or 15 days from the date of the hearing, whichever is greater. Any failure to issue a written decision shall be considered a denial of relief requested on the last day the Supervisors could have issued their decision. A copy of the decision will be mailed to the appellant one day after it has been issued.
- C. Any person aggrieved by any decision of Board of Supervisors may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the Board's decision.

ARTICLE II – AMENDMENT TO THE CODIFIED ORDINANCES

The following Appendices (A-H) to Chapter 134, Stormwater Management, of the Lower Frederick Township Code is hereby adopted and shall read as follows:

CHAPTER 134, APPENDIX A

SWAMP CREEK STORMWATER MANAGEMENT DISTRICT WATERSHED MAP

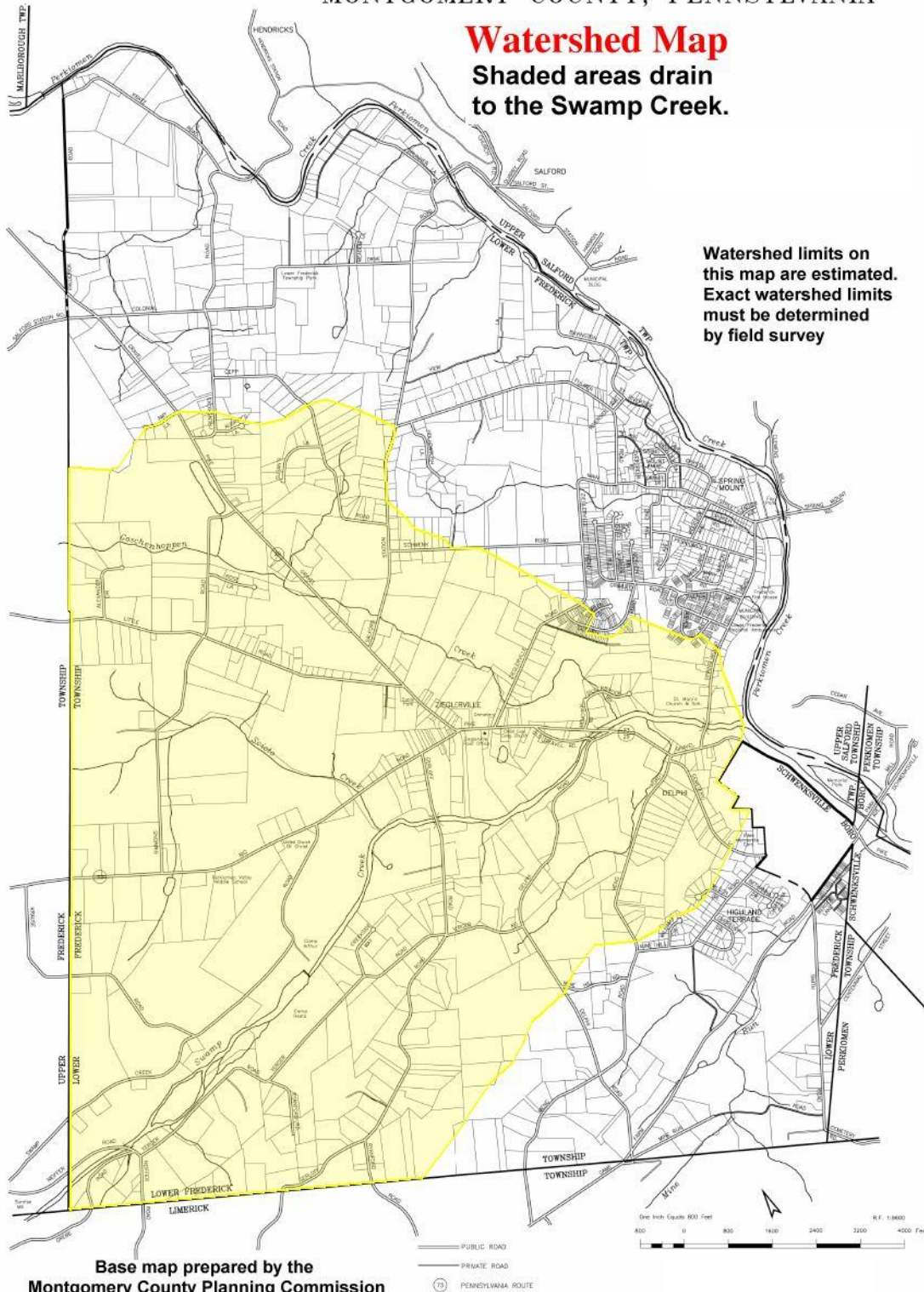
LOWER FREDERICK TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

Watershed Map

Shaded areas drain
to the Swamp Creek.

Watershed limits on
this map are estimated.
Exact watershed limits
must be determined
by field survey



CHAPTER 134, APPENDIX B

**Voluntary stormwater management
procedures for projects with less than one
thousand (1,000) square feet of proposed
impervious area or less than five thousand
(5,000) square feet of earth disturbance**

VOLUNTARY STORMWATER MANAGEMENT PROCEDURES FOR PROJECTS MEETING THE LAND COVER EXEMPTION CRITERIA

What are the Act 167 stormwater management requirements?

Pennsylvania Act 167 was authorized on October 4, 1978 (32 P.S., P.L. 864) and gave Pennsylvania municipalities the power to regulate activities that affect stormwater runoff and surface and groundwater quantity and quality.

Who is affected by these requirements?

The Act 167 stormwater management requirements affect all NEW development in Lower Frederick Township. Individual home construction projects on single-family lots that result in less than one thousand (1,000) square feet of impervious area (including the building footprint driveway, sidewalks, and parking areas) or less than five thousand (5,000) square feet of earth disturbance are not required to submit formal drainage plans to the Township; however, they are still encouraged to address water quality and groundwater recharge criteria specified in this Chapter (Sections 134-405 and 134-406).

Do I require professional services to meet these requirements?

This brochure has been developed to assist the individual homeowner in meeting the voluntary water quality and groundwater recharge goals of this Chapter. If the guidelines presented in this brochure are followed, the individual homeowner will not require professional services to comply with these water quality and groundwater recharge goals.

What do I need to send to the Township?

Even though a formal drainage plan is not required for individual lot owners, a brief description of the proposed infiltration facilities, including types of material to be used, total impervious areas and volume calculations as shown above, and a simple sketch plan showing the following information shall be submitted to the contractor prior to construction:

- Location of proposed structures, driveways, or other paved areas with approximate size in square feet.
- Location of any existing or proposed on-site septic system and/or potable water wells showing rough proximity to infiltration facilities.

Determination of Recharge Volume

The amount of recharge volume that should be provided can be determined using Section 134-405 of this Chapter.

Example Recharge Volume:

STEP 1 – Determine Total Impervious Surfaces.

STEP 2 – Determine Required Recharge (Infiltration) Volume (Re_v) Using Section 134-405.

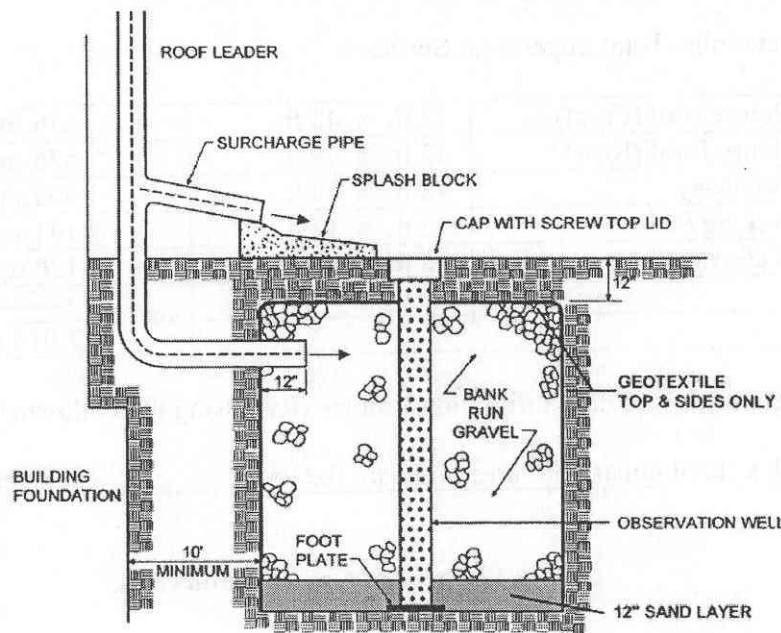
STEP 3 – Sizing of Select Infiltration Method

The following pages show several methods of infiltrating stormwater runoff from residential areas. Their appropriateness depends on the amount of infiltration volume required and the amount of land available. More than one method can be implemented on a site, depending on site constraints. Dry wells should be used only for receiving runoff from roof drains. Infiltration trenches are appropriate for receiving runoff from driveways, sidewalk, or parking areas. Other methods may be appropriate, but these should be discussed with the Township Engineer prior to installation.

Dry Wells

Dry wells are effective methods of infiltrating runoff from roof leaders. These facilities should be located a minimum of ten (10) feet from the building foundation to avoid seepage problems. A dry well can be either a structural prefabricated chamber or an excavated pit filled with aggregate. Construction of a dry well should be performed after all other areas of the site are stabilized to avoid clogging. During construction, compaction of the subgrade soil should be avoided, and construction should be performed with only light machinery. Depth of dry wells in excess of three and one half ($3\frac{1}{2}$) feet should be avoided. Gravel fill should be an average one and one half to three (1.5 – 3.0) inches in diameter. Dry wells should be inspected at least four (4) times annually as well as after large storm events.

FIGURE B-1 - TYPICAL DRY WELL CONFIGURATION



Source: Maryland Stormwater Design Manual

Example Sizing:

STEP 1 – Determine Total Impervious Surfaces

STEP 2 – Determine Required Recharge (Infiltration) Volume (Rev) Using Section 134-405.

STEP 3 – Sizing of Select Infiltration Method

Volume of facility = Depth x Width x Length

Volume of facility must account for assumed 40% void ratio in gravel bed.

EXAMPLE

STEP 1: Suppose proposed impervious surface = 500 square feet; provide stormwater management under voluntary stormwater management procedures.

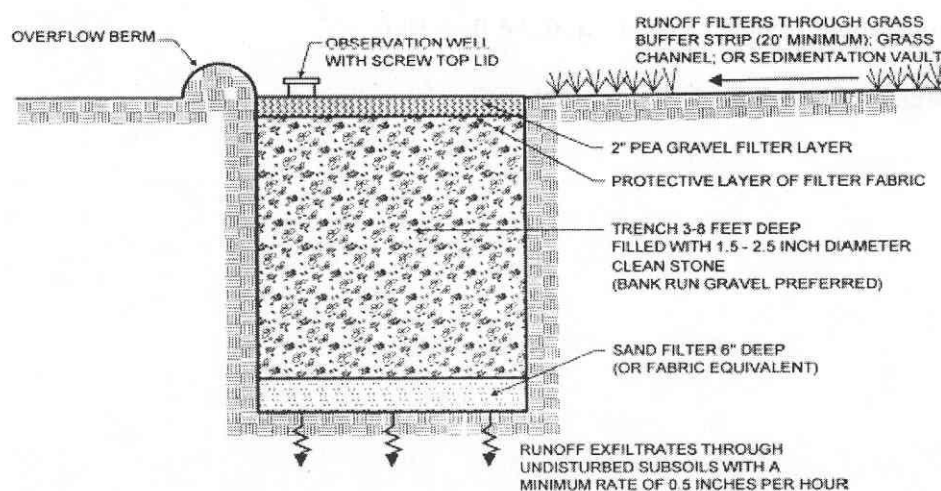
STEP 2: Required Recharge (Infiltration) Volume (Rev) is determined using Section 134-405. Suppose Rev = 90 cubic feet.

STEP 3: Facility volume = Rev / 0.40 (accounting for void ratio in bed). Therefore, the proposed facility volume = 90 / 0.40 = 225 cubic feet.

Infiltration Trenches

An infiltration trench is a long, narrow, rock-filled trench with no outlet that receives stormwater runoff. Runoff is stored in the void space between the stones and infiltrates through the bottom and into the soil matrix. Infiltration trenches perform well for removal of fine sediment and associated pollutants. Pretreatment using buffer strips, swales, or detention basins is important for limiting amounts of coarse sediment entering the trench which can clog and render the trench ineffective.

FIGURE B-2 - TYPICAL INFILTRATION TRENCH CONFIGURATION



Source: Maryland Stormwater Design Manual

Example Sizing:

STEP 1 – Suppose proposed impervious surface = 500 square feet; provide stormwater management under voluntary stormwater management procedures.

STEP 2 – Required Recharge (Infiltration) Volume (Rev) is determined using Section 134-405. Suppose Rev = 90 cubic feet.

STEP 3 – Sizing of Select Infiltration Method

$$\text{Volume of facility} = \text{Depth} \times \text{Width} \times \text{Length}$$

Required facility volume = Rev / 0.40 (accounting for void ratio in bed). Therefore, the proposed facility volume = 90 / 0.40 = 225 cubic feet.

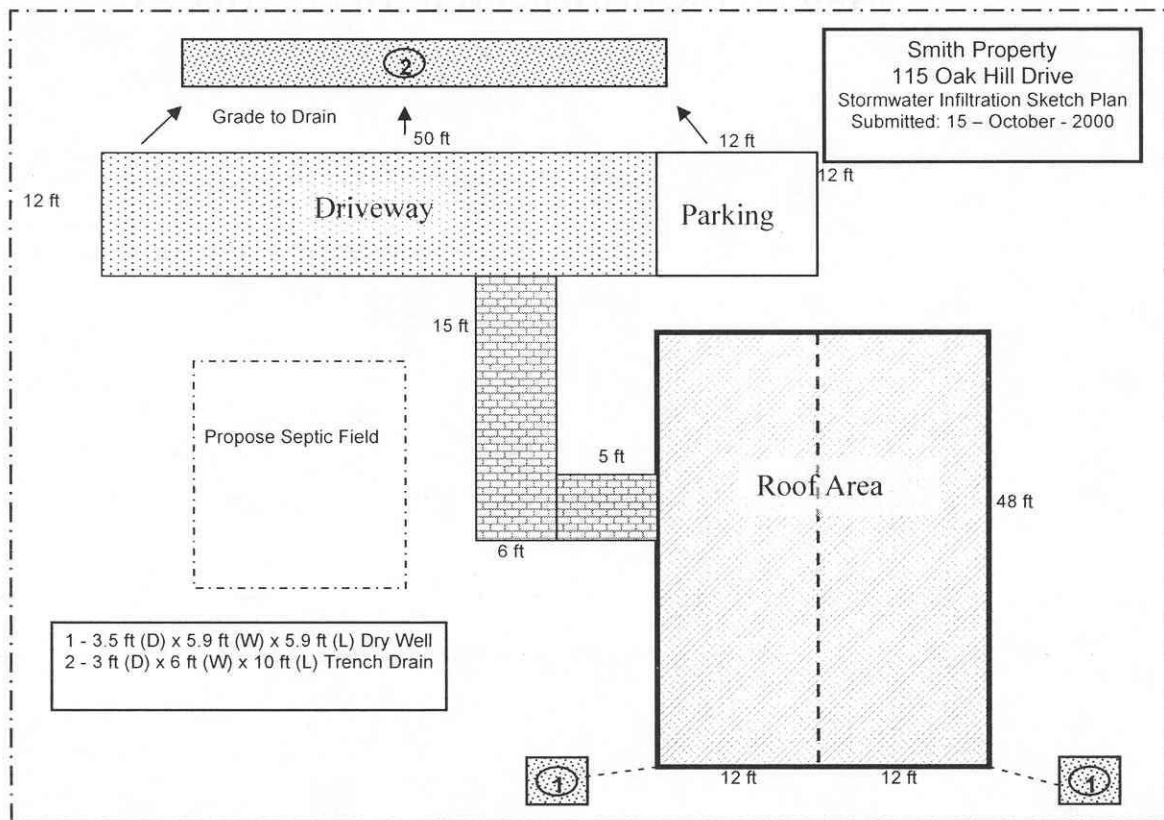
$$\begin{aligned} \text{Set } D &= 3 \text{ ft; determined required surface area of trench} \\ 225 \text{ cu. ft.} / 3 &= 75 \text{ sq. ft.} \end{aligned}$$

The width of the trench should be greater than 2 times its depth (2 x D); therefore, in this example a trench width of 7 feet is selected;

$$\text{Determine trench length: } L = 75 \text{ sq. ft.} / 7 \text{ ft.} = 10.8 \text{ ft.}$$

$$\text{Final trench dimensions: } 3 \text{ ft. (D)} \times 7 \text{ ft. (W)} \times 10.8 \text{ ft. (L)}$$

FIGURE B-3 - SAMPLE SITE SKETCH PLAN



Source: Maryland Stormwater Design Manual

CHAPTER 134, APPENDIX C – 1

DRAINAGE PLAN SUMMARY

DRAINAGE PLAN SUMMARY

(To be attached to the front of the Stormwater Management Calculations)

Application is hereby made for review of the Stormwater Management Plan and related data as submitted herewith in accordance with Chapter 134, Stormwater, of the Lower Frederick Township Code.

_____ Final Plan _____ Preliminary Plan _____ Sketch Plan

Date of Submission _____ Submission No. _____

1. Name of subdivision or development _____

2. Name of Applicant _____ Telephone No. _____

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

_____ Officer 1

_____ Officer 2

Address _____ Zip _____

Applicant's interest in subdivision or development

(if other than property owner, give owner's name and address)

3. Name of Property Owner _____ Telephone No. _____

Address _____ Zip _____

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

Address _____ Zip _____

5. Type of subdivision or development proposed:

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

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

7. Area of proposed and existing impervious area on the entire tract:
- a. Existing (to remain) _____ S.F. _____ % of property
- b. Proposed _____ S.F. _____ % of property
8. Stormwater
- a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for existing conditions for the designated design storm? _____
- b. Design storm utilized (on-site conveyance systems) (24 hr.) _____
 No. of Subarea _____
 Watershed Name _____
 Explain: _____

- c. Does the submission and/or district meet the criteria for the applicable management district? _____
- d. Number of subarea(s) from Chapter 134, Appendix A of the _____
 Stormwater Management Plan or other subareas identified in other watershed stormwater management plans _____
- e. Type of proposed runoff control _____
- f. Does the proposed stormwater control criteria meet the requirements/guidelines of Chapter 134, Stormwater? _____
 If not, what variances/waivers are requested? _____

 Reasons _____
- g. Does the plan meet the requirements of Article III of Chapter 134, Stormwater of the Township Code? _____
 If not, what variances/waivers are requested? _____
 Reasons why _____
- h. Was TR-55, June 1986, utilized in determining the time of concentration? _____

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

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

- k. Is a construction schedule or staging attached? _____
- l. Is a recommended maintenance program attached? _____
9. Erosion and Sediment Pollution Control (E&S):
- a. Has the stormwater management and E&S plan, supporting documentation, and narrative been submitted to the _____ County Conservation District? _____
- b. Total area of earth disturbance _____ S.F.

- a. Have the wetlands been delineated by someone trained in wetland delineation? _____
- b. Have the wetland lines been verified by a state or federal permitting authority? _____
- c. Have the wetlands been surveyed? _____
- d. Total acreage of wetland within the property _____
- e. Total acreage of wetland disturbed _____
- f. Supporting documentation _____

- a. Has the required fee been submitted? _____
Amount
- b. Has the proposed schedule of construction inspection to be performed by the Applicant's Engineer been submitted? _____
- c. Name of individual who will be making the inspections _____
- d. General comments about stormwater management at the development

SIGNATURE OF Applicant's
ENGINEER

- 70 -

CHAPTER 134, APPENDIX C – 2

DRAINAGE PLAN CHECKLIST

DRAINAGE PLAN CHECKLIST

Project: _____

Municipality: _____

Engineer: _____

Submittal No.: _____

Date: _____

ARTICLE I: GENERAL PROVISIONS

Reference: Section 134-105 Applicability/Regulated Activities

- | | | | | |
|---|--------------------------|-----|--------------------------|----|
| 1. Is the Proposed Project within the Swamp Creek watershed? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Does the Proposed Project meet the definition of a "Regulated Activity"? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

STOP – If you have checked NO for question number 2, you are not required to submit a Storm Water Management Plan under Chapter 134, Stormwater, of the Lower Frederick Township Code.

ARTICLE I: GENERAL PROVISIONS

Reference: Section 134-106 Exemptions

Note: Parent Tract refers to the total parcel configuration on the date Chapter 134, Stormwater, the Lower Frederick Township Code was adopted and includes any subdivision of lands which may have occurred after than date.

Parent Tract Area: _____ Acres

Total Existing Impervious Area (as of the adoption date of Chapter 134, Stormwater): _____ acres

Total New Impervious Area (all Phases): _____ acres

Parcel IS Exempt ☐ Parcel IS NOT Exempt ☐

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-404 Nonstructural Project Design

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

☐ Yes ☐ No, Explain _____

ARTICLE IV: STORMWATER MANAGEMENT (Continued)

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

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

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

☐ Yes ☐ No, Explain _____

4. Has a stream buffer been established per Section 134-406.G.?

☐ Yes ☐ No, Explain _____

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-405 Groundwater Recharge

1. Is the proposed activity considered a "Stormwater Hotspot"? ☐ Yes ☐ No

2. Have provisions been installed to promote groundwater recharge on site?

☐ Yes ☐ No, Explain _____

3. Total Recharge Volume Required: _____ cubic feet

4. How is the Required Recharge Volume being addressed?

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

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-406 Water Quality Requirements

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

☐

Yes

☐

No, Explain

2. Total Water Quality Volume Required: _____ acre feet

3. Is the site in a Special Protection watershed which includes Exceptional Value (EV) of High Quality (HQ) waters?

☐

Yes

☐

No

4. How is the Required Recharge Volume being addressed?

☐

Wet Detention Basin

☐

Sand Filter

☐

Extended Dry Detention Basin

☐

Constructed Wetlands

☐

Bioretention

☐

Other:

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-407 Streambank Erosion Requirements

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

☐

Yes

☐

No, Explain

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

☐

Yes

☐

No, Explain

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-408 Stormwater Peak Rate Control and Management Districts

1. Does the Proposed Conditions Runoff meet the Criteria established in Section 134-408.A?

☐

Yes

☐

No, if you answered Yes proceed to Section V.

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-409 Calculation Methodology

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

☐

TR-20

☐

PSRM

☐

TR-55

☐

Rational Method

☐

HEC-1 / HEC-HMS

☐

Other: _____

2. Were Table E-1 or Figure E-3 in Chapter 134, Appendix E utilized in rainfall determination?

☐

Yes

☐

No, Explain _____

3. Were Table E-2 (Runoff Curve Numbers) or Table E-3 in the Chapter 134, Appendix E (Rational Runoff Coefficients) utilized in calculations for runoff?

☐

Yes

☐

No, Explain _____

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

☐

Yes

☐

No, Explain _____

ARTICLE IV: STORMWATER MANAGEMENT

Reference: Section 134-410 Other Requirements

1. Is this project subject to PENNDOT approval?

☐

Yes

☐

No

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

☐

Yes

☐

No, Explain _____

2. Have proposed wet detention basins incorporated biologic control consistent with the West Nile Guidelines presented in Chapter 134, Appendix G?

☐

Yes

☐

No

☐

Not Applicable

ARTICLE IV: STORMWATER MANAGEMENT (continued)

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

☐

Yes

☐

No

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

☐

Yes

☐

No, Explain _____

ARTICLE VII: MAINTENANCE RESPONSIBILITIES

Reference: Section 134-702 Responsibilities for Operations and Maintenance of Stormwater Controls/BMPs

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

☐

Yes

☐

No, Explain

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

☐

Municipality

☐

Homeowner Association

☐

Private Owner

☐

Other:

CHAPTER 134, APPENDIX D

LOW IMPACT DEVELOPMENT (LID) PRACTICES

LOW IMPACT DEVELOPMENT (LID) PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

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

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

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

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern -- streets and adjacent storm sewers are typically located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimize the amount of grading on site.
- **Protecting Natural Depression Storage Areas.** Depressional storage areas either have no surface outlet or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.
- **Avoiding Introduction of Impervious Areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints,

sidewalks, driveways, and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.

- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as a storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff and should help reduce concentration of runoff to a single point in the development.
- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connection of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.
- **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials who expect runoff to disappear shortly after a rainfall event.
- **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets that ultimately could lower maintenance.
- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
- **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
- **Reducing Building Setbacks.** Reducing building setbacks reduces impervious cover associated with driveway and entry walks and is most readily accomplished along low traffic streets where traffic noise is not a problem.
- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings occurs with street length, which also will reduce costs of the development. Cluster development groups the construction activity in less-sensitive areas without substantially affecting the gross density of development.

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

CHAPTER 134, APPENDIX E

STORMWATER MANAGEMENT DESIGN CRITERIA

TABLE E-1
Precipitation-Frequency Atlas of the United States

TABLE E-2
RUNOFF CURVE NUMBERS

TABLE E-3
RATIONAL RUNOFF COEFFICIENTS

TABLE E-4
NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES

TABLE E-1

Precipitation-Frequency Atlas of the United States

Precipitation Frequency Estimates (inches)																		
ARI* (years)	5 min	10 min	15 min	30 min	60 min	120 min	3 hr	6 hr	12 hr	24 hr	48 hr	4 day	7 day	10 day	20 day	30 day	45 day	60 day
1	0.34	0.54	0.67	0.92	1.15	1.37	1.50	1.88	2.29	2.71	3.13	3.48	4.06	4.61	6.22	7.75	9.84	11.8 0
2	0.40	0.64	0.81	1.11	1.40	1.67	1.82	2.27	2.77	3.26	3.78	4.19	4.87	5.50	7.38	9.13	11.56	13.8 1
5	0.47	0.76	0.96	1.36	1.74	2.09	2.29	2.84	3.48	4.10	4.76	5.23	6.01	6.70	8.80	10.64	13.29	15.7 7
10	0.52	0.84	1.06	1.53	2.00	2.41	2.65	3.31	4.08	4.80	5.55	6.08	6.95	7.67	9.91	11.81	14.58	17.2 1
25	0.58	0.93	1.18	1.75	2.33	2.85	3.14	3.96	4.96	5.81	6.69	7.28	8.29	9.01	11.41	13.34	16.22	19.0 1
50	0.63	1.00	1.27	1.91	2.58	3.20	3.52	4.49	5.70	6.67	7.63	8.27	9.39	10.09	12.59	14.49	17.43	20.3 2
100	0.67	1.06	1.35	2.06	2.84	3.55	3.92	5.06	6.51	7.59	8.63	9.30	10.56	11.20	13.76	15.63	18.56	21.5 3
200	0.71	1.12	1.42	2.20	3.09	3.90	4.32	5.65	7.38	8.59	9.70	10.41	11.80	12.36	14.95	16.75	19.64	22.6 6
500	0.75	1.19	1.50	2.38	3.42	4.39	4.87	6.50	8.66	10.06	11.23	11.97	13.56	13.96	16.54	18.19	20.96	24.0 4
1000	0.79	1.24	1.55	2.52	3.67	4.76	5.30	7.17	9.74	11.27	12.48	13.24	14.99	15.23	17.75	19.26	21.90	25.0 0

Source: Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland 20910. NOAA's Atlas 14 can be found on the internet at <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

TABLE E-2

RUNOFF CURVE NUMBERS

LAND USE DESCRIPTION	Hydrologic Condition	HYDROLOGIC SOIL GROUP			
		A	B	C	D
Open Space					
Grass cover < 50%	Poor	68	79	86	89
Grass cover 50% to 75%	Fair	49	69	79	84
Grass cover > 75%	Good	39	61	74	80
Meadow		30	58	71	78
Agricultural					
Pasture, grassland, or range – Continuous forage for grazing	Poor	68	79	86	89
Pasture, grassland, or range – Continuous forage for grazing	Fair	49	69	79	84
Pasture, grassland, or range – Continuous forage for grazing	Good	39	61	74	80
Brush—brush-weed-grass mixture with brush the major element	Poor	48	67	77	83
Brush—brush-weed-grass mixture with brush the major element	Fair	35	56	70	77
Brush—brush-weed-grass mixture with brush the major element	Good	30	48	65	73
Fallow Bare soil	----	77	86	91	94
Crop residue cover (CR)	Poor	76	85	90	93
Woods – grass combination (orchard or tree farm)	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30	55	70	77
Commercial	(85% impervious)	89	92	94	95
Industrial	(72% impervious)	81	88	91	93
Industrial	(50% impervious)	71	82	88	90
Residential districts by average lot size:	% Impervious:				
1/8 acre or less * (townhouses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82
Farmstead		59	74	82	86
Smooth surfaces (concrete, asphalt, gravel, or bare compacted soil)		98	98	98	98
Water		98	98	98	98
Mining/newly graded areas (pervious areas only)		77	86	91	94

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

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

Source: NRCS (SCS) TR-55

TABLE E-3
RATIONAL RUNOFF COEFFICIENTS

HYDROLOGIC 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%+
LAND USE DESCRIPTION												
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
Fallow Field	.12	.19	.29	.17	.25	.34	.23	.33	.40	.27	.35	.45
Meadow	.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	.32	.37	.30	.34	.43
Lot Size 1 Acre	.18	.23	.26	.21	.24	.30	.24	.29	.36	.28	.32	.41

TABLE E-4

NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES

Nonstructural Stormwater Measure	Description
Natural Area Conservation	Conservation of natural areas such as forest, wetlands, or other sensitive areas in a protected easement, thereby retaining their existing hydrologic and water quality characteristics.
Disconnection of Rooftop Runoff	Rooftop runoff is disconnected and then directed over a pervious area where it may either infiltrate into the soil or filter over it. This is typically obtained by grading the site to promote overland flow or by providing bioretention on single-family residential lots.
Disconnection of Nonrooftop Runoff	Disconnect surface impervious cover by directing it to pervious areas where it is either infiltrated or filtered through the soil.
Buffers	Buffers effectively treat stormwater runoff. Effective treatment constitutes capturing runoff from pervious and impervious areas adjacent to the buffer and treating the runoff through overland flow across a grassy or forested area.
Grass Channel (Open Section Roads)	Open grass channels are used to reduce the volume of runoff and pollutants during smaller storms.
Environmentally Sensitive Rural Development	Environmental site design techniques are applied to low-density or rural residential development.

Source: Maryland Department of the Environment, "Maryland Stormwater Design Manual," Baltimore, MD, 2000

CHAPTER 134, APPENDIX F

REFERENCES

REFERENCES

BMP Manuals

California

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

Georgia

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

Maryland

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

Massachusetts

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

Minnesota

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

New Jersey

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

New York

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

Pennsylvania

Pennsylvania Stormwater Best Management Practices Manual, January 2005 (draft).
Pennsylvania Association of Conservation Districts, Pennsylvania Handbook of Best
Management Practices for Developing Areas, November 14, 1997.

Washington

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

Federal

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

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

Riparian Buffer References

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

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

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

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

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

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

CHAPTER 134, APPENDIX G

West Nile Virus Guidance

APPENDIX G: West Nile Virus Guidance

(This source is from the Monroe County, PA Conservation District, who researched the potential of West Nile Virus problems from BMP's due to a number of calls they were receiving.)

Monroe County Conservation District Guidance: Stormwater Management and West Nile Virus

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

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

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

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

Mosquitoes

The questions surrounding mosquito production in wetlands and ponds have intensified in recent years by the outbreak of the mosquito-borne West Nile Virus. As is the case with all vector-borne maladies, the life cycle of West Nile Virus is complicated, traveling from mosquito to bird, back to mosquito and then to other animals including humans. *Culex pipiens* was identified as the vector species in the first documented cases from New York in 1999. This species is still considered the primary transmitter of the disease across its range. Today there are some 60 species of mosquitoes

that inhabit Pennsylvania. Along with *C. pipiens*, three other species have been identified as vectors of West Nile Virus while four more have been identified as potential vectors.

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

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

Stormwater Facilities

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

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

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

Publications from the PA Department of Health and the Penn State Cooperative Extension concerning West Nile Virus identify aggressive public education about the risks posed by standing water in artificial containers (tires, trash cans, rain gutters, bird baths) as the most effective method to control vector mosquitoes.

Conclusion

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

CHAPTER 134, APPENDIX H

SAMPLE STORMWATER CONTROLS AND MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

Prepared By: H. Peter Nelson, Esquire
Grim, Biehn & Thatcher
104 South 6th Street, P.O. Box 215
Perkasie, PA 18944

Return To: Grim, Biehn & Thatcher
104 South 6th Street, P.O. Box 215
Perkasie, PA 18944

TMP # _____

**STORMWATER FACILITIES
OPERATION AND MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, A.D., 20____, by _____, a Pennsylvania _____ having offices at _____ (hereinafter referred to as "**Landowner**"), and **LOWER FREDERICK TOWNSHIP**, a Township of the Second Class, with offices located at 53 Spring Mount Road, Schwenksville, PA 19473 (hereinafter referred to as the "**Township**").

WITNESSETH

WHEREAS, Landowner is the owner of a tract of land consisting of _____ acres located at _____ in Lower Frederick Township, Montgomery County, PA, also known as Montgomery County Tax Parcel No. _____ (hereinafter referred to as the "**Property**"); and

WHEREAS, Landowner has submitted plans to the Township for the construction of a _____ with associated improvements (hereinafter referred to as the "**Project**") pursuant to plans entitled "_____", as prepared by _____, dated _____, last revised _____ consisting of _____ (____) sheets, said plans being made a part hereof and incorporated herein by reference although not physically attached hereto (hereinafter referred to as the "**Plan**"); and

WHEREAS, Landowner is proceeding to subdivide and develop the Property in accordance with the Plan; and

WHEREAS, the Township requires, though the implementation of stormwater management regulations that Stormwater Management Facilities as shown on the Plan be constructed and adequately maintained by Landowner, its heirs, successors, and assigns.

WHEREAS, the Township and Landowner agree that the health, safety, and welfare of the residents of the Township require that onsite Stormwater Management Facilities be constructed and maintained on the Property; and

WHEREAS, Landowner proposes to locate, construct, install and maintain certain Stormwater Management Facilities on the Property, as shown on the Plan; and

WHEREAS, as a condition of obtaining final approval of the Plan from the Township, the Township required that Landowner execute and record this Agreement in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania for the purpose of ensuring that: (1) the Stormwater Management Facilities are located, constructed, installed, operated, and maintained by Landowner in accordance with the Plan; (2) following the completion of the duties of Landowner pursuant to the Plan, the Stormwater Management Facilities are continually and perpetually maintained, repaired, refurbished, reconstructed, and replaced by owner(s) of the land on which the Facilities are located; and (3) in the event of default of this Agreement by Landowner or its successor and assigns, the Township shall have the right to enter upon the Property to cure such default.

NOW THEREFORE, in consideration of the foregoing statements, the Township's approval of the Plan, and the following terms and conditions, the parties hereto agree as follows:

1. For the purposes of this agreement, the following definitions shall apply:

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

Stormwater Management Facility – Any structure, device, construct, or improvement (including, but not limited to BMPs) designed, installed, constructed, and maintained for the purpose controlling and regulating stormwater.

2. All Stormwater Management Facilities shall be constructed by Landowner in accordance with the terms, conditions, and specifications identified in the Plan.

3. Landowner shall operate and maintain the Stormwater Management Facilities as shown on the Plan in good working order acceptable to the Township and in accordance with the specific maintenance requirements noted on the Plan.

4. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite Stormwater Management Facilities by 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.

5. Landowner shall keep and maintain the Stormwater Management Facilities in good working condition. Landowner shall continually and perpetually perform such maintenance, repair, refurbishment, reconstruction, and replacement of said Facilities shown on the Plan and located on the Property, including but not limited to drainage swales, detention and retention basins, BMP's, stormwater piping systems, headwalls, inlet and outlet structures, plantings, and all structures and facilities appurtenant to the foregoing, as may be necessary or advisable in the opinion of the Township to ensure the structural integrity and the proper functioning thereof and to ensure compliance with all federal, state, and local laws, rules, and regulations pertaining thereto. At no time shall the Stormwater Management Facilities be removed or altered in any manner without the prior written approval of the Township. In particular, Landowner, for itself, its grantees, successors and assigns, agrees to the following:

- a. To regularly perform all inspections and maintenance of the Stormwater Management Facilities as is necessary and desirable to ensure the proper functioning of the Facilities.
- b. Not to alter any of the Stormwater Management Facilities in a manner which would adversely affect the proper functioning of one or more of the Facilities or cause any of the Facilities to differ from what is shown on the Plan, without written approval of the Township.
- c. To remove debris and silt from the Stormwater Management Facilities to ensure that the Facilities remain in good working order.
- d. To make all repairs necessary to ensure the continued proper operation of the Stormwater Management Facilities.

6. All Stormwater Management Facilities or erosion and sedimentation control facilities that have been damaged or fail to function properly, for any reason, shall be stabilized and reconstructed by Landowner to approved design grades and specifications as shown on the Plan and approved by the Township.

7. All open swale/drainage easements and drainage, detention, and/or retention basin easements shown on the Plan shall be maintained in a grassed or otherwise improved condition, in accordance with the grades and designs shown on the Plan. All these easements shall be kept free of all obstructions, including but not limited to, fill, temporary or permanent structures, and plants (other than what is approved on the Plan).

8. Whenever sedimentation is caused by stripping vegetation, grading, or other earth moving activities on the Property, it shall be the responsibility of Landowner to remove the sedimentation from all adjoining surfaces, drainage systems, and watercourses, and to correct and repair any damage caused by such sedimentation at its sole expense.

9. For all Stormwater Management Facilities approved for the Property which include underground stormwater retention, detention or disbursement structures, Landowner hereby agrees to retain a reputable service company to inspect these stormwater structures on an annual basis

and, if required, clean such structures by removing any debris or other material from them. The material removed must be disposed of at a DEP-permitted landfill or some other facility approved by DEP for the handling of such material. Landowner is specifically prohibited from flushing any debris or other material out of the stormwater structures.

10. Landowner hereby agrees to comply with all regulations promulgated by the Pennsylvania Department of Environmental Protection for the NPDES MS4 program.

11. Landowner hereby grants permission to the Township, its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, through the easement described in Paragraph 12, to inspect the Stormwater Management Facilities whenever the Township deems necessary. The purpose of the inspection is to ensure safe and proper functioning of the Facilities. The inspection shall cover the entire Facilities, including BMPs, berms, outlet structures, pond areas, access roads, etc. When inspections are conducted, the Township shall give Landowner copies of any inspection report which may have been prepared, with findings and evaluations. Maintenance inspections shall be performed at the discretion of the Township. All reasonable costs for said inspections shall be borne by Landowner and payable to the Township.

12. Landowner hereby grants and conveys to the Township, its authorized agents and employees, a non-exclusive access easement over the Property for the sole purposes of: inspecting the Stormwater Management Facilities; maintaining, when necessary, these Facilities; curing any default by Landowner; and exercising the rights granted to the Township under this Agreement. Nothing herein shall be construed to permit the Township, its agents or employees to access dwellings, buildings, or accessory buildings on the Property. The Township releases Landowner from all claims, losses, damages, liabilities, or any other demand for money or damages whatsoever, including, without limitation, all attorney's fees, arising out of or related in any way to the Township's presence on the Property pursuant to this Agreement, except those based upon Landowner's negligence, gross negligence, or willful misconduct. Furthermore, the Township warrants and shall forever defend against any such claims.

13. In the event of an emergency or the occurrence of special or unusual circumstances or situations, the Township may enter the Property, even if Landowner is not immediately available, without notification or identification, to inspect the Stormwater Management Facilities and to perform any necessary maintenance and repairs to the Facilities, if the health, safety or welfare of the public is at jeopardy. Under such circumstances, the Township shall notify Landowner of any inspection, maintenance or repair undertaken within five days of the activity. Landowner shall reimburse the Township for its costs.

14. It is expressly understood and agreed that the Township is under no obligation to maintain or repair any of the Stormwater Management Facilities on the Property, and, in no event shall this document be construed to impose any such obligation upon the Township.

15. In the event the Township, pursuant to this Agreement, performs work of any nature on the Stormwater Management Facilities on the Property or expends any funds in performance of said work on account of Landowner's failure to perform such work, Landowner shall reimburse

the Township within thirty (30) days of receipt of an invoice for all costs and expenses (direct and indirect) incurred by the Township related to such work. If this invoice is not paid within said thirty-day period, the Township may enter a lien against the Property in the amount of such costs, or may proceed to recover its costs through proceedings in equity or at law as authorized under provisions of the Second Class Township Code.

16. Landowner releases the Township, its engineer, solicitor, and all other agents, servants, or employees from all claims, losses, damages, liabilities, or any other demand for money or damages whatsoever, including, without limitation, all attorney's fees, arising out of or related in any way to the construction, presence, existence, or maintenance of the Stormwater Management Facilities on the Property; the grant of this Agreement; Landowner's compliance with this Agreement; or the exercise of the rights granted to the Township by this Agreement. Furthermore, Landowner warrants and shall forever defend against any such claims. This Release, however, shall not apply to claims, actions, losses, damages, costs, or liabilities arising out of the intentional negligence and/or willful conduct of the Township, its engineer, solicitor, and all other agents, servants, or employees. In the event such a claim relating to the Facilities is asserted against the Township, its engineer, solicitor, and all other agents, servants, or employees, the Township shall promptly notify Landowner, and Landowner shall defend, at its own expense, any suit based on such claim. If any judgment or claims against the Township, its engineer, solicitor, and all other agents, servants, or employees, shall be allowed, Landowner shall pay all costs and expenses in connection therewith.

17. Landowner shall hold Township harmless and indemnify Township, its officers, employees, or agents, from and against any and all claims, actions, causes of action, judgments, costs, expenses and liabilities of any kind whatsoever incurred in connection with, arising from or as a result of death, accident, injury, loss, or damage to any person or any property in or about the subject Stormwater Management Facilities arising out of the performance by Landowner, its grantees, heirs, successors and assigns, in constructing, inspecting, operating, repairing, replacing, and/or maintaining such Facilities. Landowner further agrees that it, its grantees, heirs, successors and assigns will reimburse the Township for any expenses which the Township, its officers, employees, or agents, have incurred, including legal fees, engineering fees, expert witness fees, and judgments, as a result of claims filed or brought against the Township, its officers, employees, or agents, related to the construction, inspection, operation, repair, replacement, and/or maintenance of the Stormwater Management Facilities.

18. If the Township determines that a violation of the terms of this Agreement has occurred or is threatened, it shall give written notice to Landowner of such violation, along with a list of responsibilities which have not been properly performed by Landowner, and demand corrective action sufficient to cure the violation. Landowner shall have fifteen (15) calendar days to accomplish, to the Township's satisfaction, the responsibilities on the list. If Landowner fails to cure the violation(s) within these fifteen (15) days after receipt of notice thereof from the Township, or under circumstances where the violation cannot reasonably be cured within a fifteen (15) day period, fails to begin curing such violation within the fifteen (15) day period, or fails to continue diligently to cure such violation until finally cured, the Township may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Agreement and to enjoin the violation, ex parte as necessary, by temporary or permanent injunction. The Township's

remedies described in this Agreement shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

Landowner agrees that the Township's remedies at law for any violation of the terms of this Agreement are inadequate and that the Township shall be entitled to the injunctive relief described above, both prohibitive and mandatory, in addition to such other relief to which the Township may be entitled, including specific performance of the terms of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

All reasonable costs incurred by the Township in enforcing the terms of this Agreement against Landowner, including, without limitation, costs and expenses of suit, and reasonable attorney's fees, shall be borne by Landowner, if the Township prevails.

Forbearance by the Township to exercise its rights under this Agreement in the event of any breach of any term of this Agreement by Landowner shall not be deemed or construed to be a waiver by the Township of such terms, or of any subsequent breach of the same, or any other term of this Agreement, or of any of the Township's rights under this Agreement. No delay or omission by the Township in the exercise of any right or remedy upon any breach by Landowner shall impair such right or remedy or be construed as a waiver. Landowner hereby waives any defense of laches, estoppel, or prescription.

In addition, upon failure of Landowner to fulfill any of its obligations under this Agreement, after notice to do so is provided as required above, the Township may enter upon the Property and take such necessary and prudent work needed, in its sole and absolute discretion, to bring Landowner into compliance with this Agreement. All such work shall be conducted at Landowner's expense, and Landowner hereby agrees to assume and pay all costs incurred by the Township in completing this work, including a ten percent (10%) surcharge for the Township's administrative expenses, all professional fees and costs, and any costs associated with the filing of a municipal lien or lawsuit.

19. This Agreement shall be recorded with the Montgomery County Recorder of Deeds. This Agreement is appurtenant to Property and shall be construed to be covenants running with the land binding upon Landowner, its heirs, successors and assigns.

20. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns, and the terms "Landowner", "Lower Frederick Township", and "Township" herein shall include their respective heirs, successors and assigns.

21. The parties agree that this Agreement contains all of the agreements between the parties regarding the operation and maintenance of the Stormwater Management Facilities and that there are no other agreements or representations made by either of them. This Agreement sets forth the entire understanding between the parties and any representations, oral or written, not contained therein, are without effect.

22. Landowner shall not assign this Agreement, in whole or any part, to any person or other entity without the prior written consent of the Township. Any attempt at assignment without the prior written consent of the Township shall be null and void, not binding on the Township, and the same shall constitute a default under this Agreement.

23. This Agreement shall not be modified, amended, or terminated except by a written agreement executed by all of the parties.

24. It is expressly understood and agreed that no third party beneficiaries are created by this Agreement.

25. This Agreement shall be governed by and construed under the laws of the Commonwealth of Pennsylvania and Ordinances of Lower Frederick Township. All the parties to this Agreement hereby consent to the exclusive jurisdiction of the Court of Common Pleas of Montgomery County, Pennsylvania regarding any dispute arising out of or in connection with this Agreement. All the easement rights and responsibilities shall be exercised in compliance with all applicable laws, ordinances, rules, and regulations along with all approvals granted by all governmental authorities having jurisdiction over the Property and/or the Project, including, without limitation, Lower Frederick Township.

26. If any ambiguity or ambiguities in this Agreement should be claimed by either Landowner or the Township, or if any court of competent jurisdiction should determine that any ambiguity exists in this Agreement, any such ambiguity shall be resolved in favor of ensuring the proper inspection, maintenance, and operation of the Stormwater Management Facilities on the Property at the expense of Landowner.

27. The provisions of this Agreement shall be severable. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, invalid, unenforceable, unconstitutional, or void, for any reason, only such provision shall be illegal, invalid, unenforceable, unconstitutional, or void and the remainder of this Agreement shall be in full force and effect.

28. In the event that any of the provisions of this Agreement should, for any reason whatsoever, not be noted or recited in any subsequent deed for the Property or any portion thereof, such terms, conditions and restrictions shall attach to the Property or any portion thereof under and pursuant to this Agreement notwithstanding the absence of such provisions in said deed.

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**LOWER FREDERICK TOWNSHIP
STORMWATER FACILITIES OPERATION AND MAINTENANCE AGREEMENT**

(Signatures)

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby cause this Agreement to be executed the day and year first above written.

LANDOWNER:

(Company name)

Witness

By: _____
Name: _____
Title: _____

Approved by the proper action of the Board of Supervisors of Lower Frederick Township on the _____ day of _____, A.D., 20____, at an official public meeting of the Township with a quorum present and voting, with the proper officers of the Township being directed to execute this Agreement and the Township Secretary or Assistant Secretary, being directed to note this action upon the minutes of said meeting.

TOWNSHIP:

**LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Name: _____
Title: Chair

ATTEST:

Mark Hudson, Secretary

**LOWER FREDERICK TOWNSHIP
STORMWATER FACILITIES OPERATION AND MAINTENANCE AGREEMENT**

(Acknowledgments)

BY LANDOWNER

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF _____ :

On this _____ day of _____, 20____, before me a Notary Public, personally appeared _____ of _____, and that he as such Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such Officer.

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

_____(SEAL)
Notary Public

BY TOWNSHIP

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF MONTGOMERY :

On this _____ day of _____, 20____, before me a Notary Public, personally appeared _____, **CHAIR OF THE BOARD OF SUPERVISORS OF LOWER FREDERICK TOWNSHIP**, and as such, being authorized to do so, executed the foregoing instrument on its behalf for the uses and purposes therein set forth.

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

_____(SEAL)

ARTICLE III. **Repealer**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE IV. **Severability**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE V. **Effective Date**

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

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LOWER FREDERICK TOWNSHIP
STORMWATER ORDINANCE
Ordinance No. _____

ENACTED and *ORDAINED* this _____ day of _____, 2022.

LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS

Marla Hexter, Chair

Daniel Orfe, Vice Chair

Terry Bird

Terry Sacks

Charles W. Yeiser

ATTEST:

, Manager