STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. 2022-6

BOROUGH OF STEELTON DAUPHIN COUNTY, PENSYLVANIA Article I - General Provisions

- § 93-1. Short title.
- § 93-2. Statement of findings.
- § 93-3. Purpose.
- § 93-4. Statutory authority.
- § 93-5. Applicability.
- § 93-6. Repealer.
- § 93-7. Severability.
- § 93-8. Compatibility with other requirements.
- § 93-9. Erroneous permit.
- § 93-10. Waivers.
- § 93-11. Duty of persons engaged in development of land
- § 93-12. Borough liability.
- Article II Terminology
 - § 93-13. Definitions; word usage.
- Article III Stormwater Management Standards
 - § 93-14. General requirements.
 - § 93-15. Exemptions/modifications.
 - § 93-16. Volume controls.
 - § 93-17. Rate controls.
- Article IV Erosion and Sedimentation Standards

§ 93-18. Erosion and sedimentation requirements during earth disturbance activities.

§ 93-19. Total maximum daily load (TMDL) requirements.

- Article V Design Criteria
 - § 93-20. Design criteria for stormwater management and drainage facilities.
 - § 93-21. Calculation methodology.
- Article VI SWM Site Plan and Report Requirements
 - § 93-22. General requirements.
 - § 93-23. SWM site plan and report contents.
 - § 93-24. SWM site plan and report submission.
 - § 93-25. SWM site plan and report review.
 - § 93-26. Modification of plans.
 - § 93-27. Resubmission of disapproved SWM site plan and report.
 - § 93-28. Authorization to construct and term of validity.
 - § 93-29. Record drawings, completion certificate and final inspection.
- Article VII Easements
 - § 93-30. Easement requirements.
- Article VIII Maintenance Responsibilities
 - § 93-31. Financial guarantee.
 - § 93-32. Maintenance responsibilities.
 - § 93-33. Maintenance agreement for privately owned stormwater facilities.
- Article IX Inspections
 - § 93-34. Schedule of inspections.
 - § 93-35. Right-of-entry.
- Article X Enforcement and penalties
 - § 93-36. Notification.

§ 93-37. Enforcement.

§ 93-38. Public nuisance.

§ 93-39. Suspension and revocation.

§ 93-40. Enforcement remedies; violations and penalties.

§ 93-41. Appeals.

Article XI – Prohibitions

§ 93-42. Prohibited discharges and connections.

§ 93-43. Roof drain and sump pump discharge requirements.

§ 93-44. Alteration of BMPs prohibited.

Article XII – Fees and Expenses

§ 93-45. Borough review fee required.

§ 93-46. Expenses covered by fees.

§ 93-47. Recording of approved SWM site plan and related agreements.

ARTICLE I General Provisions

§ 93-1. Short title.

This chapter shall be known and may be cited as "Stormwater Management."

§ 93-2. Statement of findings.

The governing body of Steelton Borough finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases runoff volumes, 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, threatens public health and safety, and increases nonpoint source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, welfare, and the protection of the people of Steelton Borough and all the people of the commonwealth, their resources, and the environment.
- C. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds 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.
- D. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater issues.
- F. 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).
- G. Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the commonwealth.
- H. 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.

§ 93-3. Purpose.

The purpose of this chapter is to promote health, safety, and welfare within Steelton Borough, Dauphin County, by minimizing the harms and maximizing the benefits described in § 93-2 of this chapter through provisions intended to:

- A. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of the commonwealth.
- B. Manage accelerated runoff and erosion and sedimentation problems close to their source, by regulating activities that cause these problems.
- C. Preserve the natural drainage systems to the maximum extent practicable.
- D. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality, and to otherwise protect water resources.
- E. Maintain existing flows and quality of streams and watercourses.
- F. Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds.
- G. Manage stormwater runoff close to the source, reduce runoff volumes and mimic predevelopment hydrology with a minimum of structures and a maximum use of natural processes.
- H. Provide procedures, performance standards, and design criteria for stormwater planning and management.
- I. Provide proper operations and maintenance of all temporary and permanent stormwater management facilities and best management practices (BMPs) that are constructed and implemented.
- J. Provide standards to meet the NPDES permit requirements.
- K. Implement an illegal discharge detection and elimination program within MS4 permitted urbanized areas to address nonstormwater discharges into Steelton Borough's separate storm sewer system.

§ 93-4. Statutory authority.

- A. Primary authority. Steelton Borough is empowered to regulate these activities by the authority of the Act of October 4, 1978, 32 P.S., P.L. 864 (Act 167), 32 P.S.§ 680.1 et seq., as amended, the Storm Water Management Act, and the Borough Code, 53 P.S. § 46202(17), 53 P.S. § 47201.
- B. Secondary authority. Steelton Borough also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, the Pennsylvania Municipalities Planning Code, as amended.

§ 93-5. Applicability.

A. This chapter shall apply to all areas of Steelton Borough, all regulated activities and all activities that may affect stormwater runoff, including land development and earth

disturbance activity, and all stormwater runoff entering into Steelton Borough's separate storm sewer system from lands within the boundaries of Steelton Borough.

- B. Earth disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
- C. "Regulated activities" are any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities include, but are not limited to, the following listed items:
 - 1. Earth disturbance activities.
 - 2. Land development.
 - 3. Subdivision.
 - 4. Construction of new or additional impervious or semipervious surfaces.
 - 5. Construction of new buildings or additions to existing buildings.
 - 6. Diversion or piping of any natural or man-made stream channel.
 - 7. Installation of stormwater management facilities or appurtenances thereto.
 - 8. Installation of stormwater BMPs.
- D. See § 93-15 of this chapter for exemptions/modifications criteria.

§93-6. Repealer.

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

§ 93-7. Severability.

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

§ 93-8. Compatibility with other requirements.

Approvals issued and actions taken pursuant to this chapter do not relieve the applicant of the responsibility to comply with or to secure required permits or approvals for activities regulated by any other applicable codes, laws, rules, statutes, or ordinances. 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.

§ 93-9. 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

Borough purporting to validate such a violation.

§ 93-10. Waivers.

- A. If the Borough determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Borough may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to § 93-10, paragraphs B and C.
- B. Waivers or modifications of the requirements of this Ordinance may be approved by the Borough if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.
- C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Borough unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.

§ 93-11. Duty of persons engaged in development of land.

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

§ 93-12. Borough liability.

The degree of stormwater management sought by the provisions of this chapter is considered reasonable for regulatory purposes. This chapter shall not create liability on the part of Steelton Borough, any appointed or elected official of Steelton Borough, the Dauphin County Conservation District or any officer, engineer or employee thereof for any erosion, sedimentation or flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

ARTICLE II Terminology

§ 93-13. Definitions; word usage.

For the purpose 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, 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."
- F. These definitions do not necessarily reflect the definitions contained in pertinent regulations or statutes, and are intended for this Ordinance only.

As used in this chapter, the following terms shall have the meanings indicated:

ACCELERATED EROSION — The removal of the surface of the land through the combined action of human activity and natural processes at a rate greater than would occur because of the natural process alone.

AGRICULTURAL ACTIVITIES — Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops, tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock 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; changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

APPLICANT — A landowner, developer, or other person who has filed an application for approval to engage in any regulated activities at a project site within Steelton Borough.

BEST MANAGEMENT PRACTICES (BMPs) — Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures, nonstructural or structural. Nonstructural BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter

strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

BMP MANUAL — The Pennsylvania Stormwater Best Management Practices Manual as published by the Department of Environmental Protection, Bureau of Watershed Management, document no. 363-0300-002, effective date December 30, 2006, and as revised.

BOROUGH — Steelton Borough, Dauphin County, Pennsylvania.

CHANNEL EROSION — The widening, deepening, and headward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

CISTERN — An underground reservoir or tank used for storing rainwater.

CONSERVATION DISTRICT — The Dauphin County Conservation District (DCCD). The Dauphin County Conservation District has the authority under a delegation agreement executed with the Department of Environmental Protection to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code Chapter 102.

CULVERT — A structure with appurtenant works that carries a stream and/or stormwater runoff under or through an embankment or fill.

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

DESIGNEE — The agent of Steelton Borough and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this chapter by contract or memorandum of understanding.

DESIGN STORM — The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a twenty-five-year storm) and duration (e.g., twenty four hours), used in the design and evaluation of stormwater management systems. Also see "return period."

DETENTION BASIN — An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DETENTION VOLUME — The volume of runoff that is captured and released during or after a storm event into waters of the commonwealth at a controlled rate.

DEVELOPER — A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this chapter.

DEVELOPMENT SITE (SITE) — The specific tract of land for which a regulated activity is proposed. Also see "project site."

DISTURBED AREA — An unstabilized land area where an earth disturbance activity is occurring or has occurred.

DOWNSLOPE PROPERTY LINE — That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or piped flow from the site would be directed toward it.

DRAINAGE CONVEYANCE FACILITY — A stormwater management facility designed to

convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT — A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY — Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

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

EROSION — The movement of soil particles by the action of water, wind, ice, or other natural forces.

EROSION AND SEDIMENT POLLUTION CONTROL PLAN — A plan which

is designed to minimize accelerated erosion and sedimentation.

EXCEPTIONAL VALUE WATERS — Surface waters of high quality, which satisfies Pa. Code Title 25, Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to antidegradation).

EXISTING CONDITIONS — The initial condition of a project site prior to the proposed construction. If the initial condition of the site is not forested or undeveloped land, the land use shall be considered as meadow unless the natural land cover is documented to generate lower curve numbers or Rational "C" coefficients, such as forested lands.

FEMA — The Federal Emergency Management Agency.

FLOOD — A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the commonwealth.

FLOOD-FRINGE — The remaining portions of the one-hundred-year floodplain outside of the floodway boundary.

FLOODPLAIN — Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration flood hazard boundary mapped as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be inundated by a one-hundred-year flood. Also included are areas that comprise Group 13 soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

FLOODWAY — The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the one- hundred-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one- hundred-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

FOREST MANAGEMENT/TIMBER OPERATIONS — Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest

management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

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

(TO) GRADE — To finish the surface of a roadbed, top of embankment or bottom of excavation.

GRADE — A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein.

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 RECHARGE — Replenishment of existing natural underground water supplies.

HEC-HMS MODEL CALIBRATED (HYDROLOGIC ENGINEERING CENTER-HYDROLOGIC MODELING SYSTEM) — A computer-based

hydrologic modeling technique adapted to the watersheds in Dauphin County for the Act 167 Plan. The model has been calibrated by adjusting key model input parameters.

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

HYDROLOGIC SOIL GROUP (HSG) — Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into one of four HSG (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resource Conservation Service (NRCS) of the United States Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of interest may be identified from a soil survey report from the local NRCS office or the Dauphin County Conservation District.

IMPERVIOUS SURFACE (IMPERVIOUS AREA) — A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but are not limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration. Any surface area proposed to initially be gravel or crushed stone shall be assumed to be impervious, unless designed as an infiltration BMP.

INFILTRATION STRUCTURES — A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, etc.).

INLET — A surface connection to a closed drain; a structure at the diversion end of a conduit; the upstream end of any structure through which water may flow.

KARST — A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, steep-sided hills, underground drainage and caves. Karst is formed on carbonate rocks, such as limestone or dolomites and sometimes gypsum.

LAND DEVELOPMENT (DEVELOPMENT) ----

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

LIMIT OF DISTURBANCE — A line provided on the SWM site plan that indicates the total area to be disturbed during a proposed earth disturbance activity.

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 facility used as a reach in the Dauphin County Act 167 watershed hydrologic model(s).

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.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

— The federal government's system for issuance of permits under the Clean Water Act, which is delegated to PADEP in Pennsylvania.

NOAA ATLAS 14 — Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland (2004). NOAA's Atlas 14 can be accessed at Internet address: http://hdsc.nws.noaa.gov/hdsc/pfds/.

NONPOINT SOURCE POLLUTION — Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

NRCS — Natural Resource Conservation Service [previously Soil Conservation Service (SCS)].

OPEN CHANNEL — A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainageways, swales, streams, ditches, canals, and pipes not under pressure.

- (1) Point where water flows from a conduit, stream, or drain;
- (2) "Point source" as described in 40 CFR 122.2 at the point where the Borough's storm sewer system discharges to surface waters of the commonwealth.

OUTLET — Points of water disposal from a stream, river, lake, tidewater, or artificial drain.

PADEP — The Pennsylvania Department of Environmental Protection.

PARKING LOT STORAGE — Involves the use of impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

PEAK DISCHARGE — The maximum rate of stormwater runoff from a specific storm event.

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

PERVIOUS AREA — Any area not defined as impervious.

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

PLANNING COMMISSION — The Planning Commission of Steelton Borough.

POINT SOURCE — Any discernible, confined, or 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 Pa. Code§ 92.1.

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

PROJECT SITE — The specific area of land where any regulated activities in the Borough are planned, conducted, or maintained.

QUALIFIED PROFESSIONAL — Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by the chapter.

RATIONAL FORMULA — A rainfall-runoff relation used to estimate peak flow.

REDEVELOPMENT — Earth disturbance activities on land which has previously been developed.

REGULATED ACTIVITIES — Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

REGULATED EARTH DISTURBANCE ACTIVITY — Activity involving earth disturbance subject to regulation under 25 Pa. Code Chapter 92, Chapter 102, or the Clean Streams Law.

RELEASE RATE — The percentage of predevelopment peak rate of runoff from a site or subwatershed area to which the post-development peak rate of runoff must be reduced to protect downstream areas.

RELEASE RATE DISTRICT — Those subwatershed areas in which post- development flows must be reduced to a certain percentage of predevelopment flows as required to meet the plan

requirements and the goals of Act 167.

RETENTION VOLUME OR REMOVED RUNOFF — The volume of runoff that is captured and not released directly into the surface waters of this commonwealth during or after a storm event.

RETURN PERIOD — The average interval, in years, within which a storm event of a given magnitude can be expected to recur. For example, the probability of a twenty-five-year storm occurring in any one given year is 0.04 (i.e., a four-percent chance).

RIPARIAN BUFFER — A permanent vegetated area bordering perennial and intermittent streams and wetlands that serves as a protective filter to help protect streams andwetlands from the impacts of adjacent land uses.

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 right-of-way, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches, and other similar activities. Road maintenance activities that do not disturb the subbase of a paved road such as milling and pavement overlays are not considered earth disturbance activities.

ROOFTOP DETENTION — Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

RUNOFF — Any part of precipitation that flows over the land surface.

RUNOFF CAPTURE VOLUME — The volume of runoff that is captured (retained) and not released into surface waters of the commonwealth during or after a storm event.

SEDIMENT — Soils or other materials transported by surface water as a product of erosion.

SEDIMENTATION — The process by which mineral or organic matter is accumulated or deposited by the movement of water.

SEDIMENT BASIN — A barrier, dam, or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by stormwater runoff.

SEDIMENT POLLUTION — The placement, discharge, or any other introduction of sediment into waters of the commonwealth occurring from the failure to properly design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this chapter.

SEEPAGE PIT/SEEPAGE TRENCH — An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, Borough streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) primarily used for collecting and conveying stormwater runoff.

SHEET FLOW — Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SOIL COVER COMPLEX METHOD — A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called curve

number (CN).

SPILLWAY (EMERGENCY) — A depression in the embankment of a pond or basin, or other overflow structure, that is used to pass peak discharges greater than the maximum design storm controlled by the pond or basin.

STATE WATER QUALITY REQUIREMENTS — The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pa. Code and the Clean Streams Law, including, but not limited to:

- (1) Each stream segment in Pennsylvania has a designated use, such as cold water fishery or potable water supply, which is listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- (2) Existing uses are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- (3) Water quality involves the chemical, biological, and physical characteristics of surface water bodies. After earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed, and structural integrity of the waterway, to prevent these impacts.
- (4) Protection and maintenance of water quality in special protection streams pursuant to 25 Pa. Code Chapter 93.

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 also "return period."

STORM SEWER — A system of pipes and/or open channels that convey intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

STORMWATER — Drainage runoff from the surface of the land resulting from precipitation, snow, or ice melt.

STORMWATER HOTSPOT — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff.

STORMWATER MANAGEMENT FACILITIES — Any structure, natural or man-made, that, due to its condition, design, or construction conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention basins, wet ponds, open channels, storm sewers, pipes and infiltration facilities.

STORMWATER MANAGEMENT PLAN — The Dauphin County Stormwater Management Plan for managing stormwater runoff in Dauphin County as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Storm Water Management Act."

STORMWATER MANAGEMENT SITE PLAN (SWM SITE PLAN) — The plan

prepared by the applicant or his representative indicating how stormwater runoff will be managed at the project site in accordance with this chapter.

STREAM ENCLOSURE — A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses regulated waters of the commonwealth.

SUBDIVISION — The division or redivision of a lot, tract, or parcel of land by any means, into two 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, 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 10 acres, not involving any new street or easement of access or any residential dwellings, shall be exempt (Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247).

SUBWATERSHED AREA — The smallest drainage unit of a watershed for which stormwater management criteria has been established in the stormwater management plan.

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 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.

USDA — The United States Department of Agriculture.

WATERCOURSE — A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED — Region or area drained by a river, watercourse, or other surface water, whether natural or artificial.

WATERS OF THE COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

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, including swamps, marshes, bogs and similar areas. (The term includes but is not limited to wetland areas listed in the State Water Plan, the United States Forest Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. This definition is used by the United States Environmental Protection Agency and the United States Army Corps of Engineers.)

ARTICLE III Stormwater Management Standards

§ 93-14. General requirements.

- A. For all regulated activities, unless specifically exempted in § 93-15:
 - 1. Preparation and implementation of an approved SWM site plan is required.
 - 2. No regulated activities shall commence until the Borough issues written approval of an SWM site plan, which demonstrates compliance with the requirements of this chapter.
 - 3. The SWM site plan shall demonstrate that adequate capacity will be provided to meet the volume and rate control requirements, as described under §§ 93-16 and 93-17 of this chapter.
 - 4. The SWM site plan approved by the Borough, shall be on site throughout the duration of the construction of the regulated activities.
- B. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pa. Code (including, but not limited to, Chapter 102, Erosion and Sediment Control) and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.
- C. For all regulated activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this chapter and to meet all requirements under Title 25 of the Pa. Code and the Clean Streams Law, conform to the state water quality requirements, meet all requirements under the Storm Water Management Act and any more stringent requirements as determined by the Borough.
- D. The Borough may, after consultation with PADEP and/or DCCD, approve measures for meeting the state water quality requirements other than those in this chapter, provided that they meet the minimum requirements of and do not conflict with state law, including, but not limited to, the Clean Streams Law.
- E. All regulated activities shall include, to the maximum extent practicable, measures to:
 - 1. Protect health, safety, and property.
 - 2. Meet the water quality goals of this chapter by implementing measures to:
 - a. Minimize disturbance to floodplains, wetlands, natural slopes, existing native vegetation and woodlands.
 - b. Create, maintain, or extend riparian buffers and protect existing forested buffers.
 - c. Provide trees and woodlands adjacent to impervious areas whenever feasible.

- d. Minimize the creation of impervious surfaces and the degradation of waters of the commonwealth and promote groundwater recharge.
- e. Protect natural systems and processes (drainageways, vegetation, soils, and sensitive areas) and maintain, as much as possible, the natural hydrologic regime.
- f. Incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements.
- g. Avoid erosive flow conditions in natural flow pathways.
- h. Minimize soil disturbance and soil compaction.
- i. Minimize thermal impacts to waters of the commonwealth.
- j. Disconnect impervious surfaces by directing runoff to pervious areas wherever possible, and decentralize and manage stormwater at its source.
- 3. Incorporate methods described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual). Applicants are encouraged to incorporate the techniques for low impact development practices described in the BMP Manual to reduce the costs of complying with the requirements of this chapter and the state water quality requirements.
- F. Impervious areas.
 - 1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development, even if development is to take place in stages.
 - 2. For development taking place in stages, the entire development plan must be used in determining conformance with this chapter.
 - 3. For projects that add impervious area to a developed parcel, the new impervious area is subject to the requirements of this chapter; and any existing impervious area that is within the new proposed limit of disturbance is also subject to the requirements of this chapter.
- G. If diffused flow 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 harm will result from the concentrated discharge.
 - 1. Applicant must provide an executed easement for newly concentrated flow across adjacent properties.
- H. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this chapter.
- I. Where watercourses traverse a development site, drainage easements (with a minimum width of 20 feet) shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of

stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement may be required, except as approved by the appropriate governing authority.

- J. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PADEP under regulations at 25 Pa. Code Chapter 105 through the joint permit application process, or, where deemed appropriate by PADEP, through the general permit process.
- K. Any stormwater management facilities or any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures, etc.) that are regulated by this chapter, that will be located in or adjacent to waters of the commonwealth (including wetlands), shall be subject to approval by PADEP under regulations at 25 Pa. Code Chapter 105 through the joint permit application process, or, where deemed appropriate by PADEP, the general permit process. When there is a question whether wetlands may be involved, it is the responsibility of the applicant or his agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from PADEP.
- L. Should any stormwater management facility require a dam safety permit under PADEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than one-hundred-year event.
- M. Any stormwater management facilities regulated by this chapter that will be located on, or discharged onto state highway rights-of-ways shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- N. When stormwater management facilities are proposed within 1,000 feet of a downstream municipality, the stormwater analysis shall be submitted to the downstream municipality for review and comment.
- O. Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc., are encouraged, where soil conditions and geology permit, to reduce the size or eliminate the need for detention facilities.
- P. Infiltration BMPs should be dispersed throughout the site, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this chapter.
- Q. The design of facilities over karst shall include an evaluation and implementation of measures to minimize adverse effects.
- R. 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 it is advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then the Borough shall permit it on a case-by-case basis.

§ 93-15. Exemptions/modifications.

A. Under no circumstance shall the applicant be exempt from implementing such

measures as necessary to:

- 1. Meet state water quality standards and requirements.
- 2. Protect health, safety, and property.
- 3. Meet special requirements for high quality (HQ) and exceptional value (EV) watersheds.
- B. The applicant must demonstrate that the following BMPs are being utilized to the maximum extent practicable to receive consideration for the exemptions:
 - 1. Design around and limit disturbance of floodplains, wetlands, natural slopes over 15%, existing native vegetation, and other sensitive and special value features.
 - 2. Maintain riparian and forested buffers.
 - 3. Limit grading and maintain nonerosive flow conditions in natural flow paths.
 - 4. Maintain existing tree canopies near impervious areas.
 - 5. Minimize soil disturbance and reclaim disturbed areas with topsoil and vegetation.
 - 6. Direct runoff to pervious areas.
- C. The applicant must demonstrate that the proposed development/additional impervious area will not adversely impact the following:
 - 1. Capacities of existing drainageways and storm sewer systems.
 - 2. Velocities and erosion.
 - 3. Quality of runoff if direct discharge is proposed.
 - 4. Existing known problem areas.
 - 5. Safe conveyance of the additional runoff.
 - 6. Downstream property owners.
- D. An applicant proposing regulated activities, after demonstrating compliance with §§ 93-14A, B, and C, may be exempted from various requirements of this chapter according to the following table:

New Impervious Area (Since 12/6/2010) (square footage)	Applicant Must Submit to the Steelton Borough
0 to 1,000	
1,000 to 5,000	Volume controls and SWM site plan and report
> 5,000	Rate controls, volume controls, SWM site plan and report and record drawings

- E. The purpose of this section is to ensure consistency of stormwater management planning between local ordinances and NPDES permitting (when required) and to ensure that the applicant has a single and clear set of stormwater management standards to which the applicant is subject. The Borough may accept alternative stormwater management controls provided that:
 - 1. The applicant, in consultation with the Borough, PADEP and/or DCCD, states that meeting the requirements of the volume controls or rate controls of this chapter is not possible or creates an undue hardship.
 - 2. The alternative stormwater management controls, proposed by the applicant, are documented to be acceptable to the Borough, PADEP and/or DCCD for NPDES requirements pertaining to post construction stormwater management requirements.
 - 3. The alternative stormwater management controls are in compliance with all other sections of this chapter, including but not limited to §§ 93-14D, and 93-15A, B and C.
- F. Forest management and timber operations are exempt from rate and volume control requirements and SWM site plan preparation requirement of this chapter provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102. It should be noted that temporary roadways are not exempt.
- G. Agricultural activities are exempt from the requirements of this chapter, provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102.
- H. The Borough may deny or revoke any exemption pursuant to this Section at any time for any project that the Borough believes may pose a threat to public health and safety or the environment.
- I. Linear roadway improvement projects that create additional impervious area are not exempt from the requirements of this chapter. However, alternative stormwater management strategies may be applied at the joint approval of the Borough and the Dauphin County Conservation District (if an NPDES permit is required) when site limitations (such as limited right-of-way) and constraints (as shown and provided by the applicant), preclude the ability of the applicant to meet the enforcement of the stormwater management standards in this chapter. All strategies must be consistent with PADEP's regulations, including NPDES requirements.
- J. The Borough may, after an applicant has demonstrated compliance with § 93-15A, B, and C, grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the chapter is observed.
 - 1. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the chapter involved, and the minimum modification necessary.

§ 93-16. Volume controls.

- A. The low impact development practices provided in the BMP Manual and in Appendix B of this chapter shall be utilized for all regulated activities to the maximum extent practicable.
- B. Stormwater runoff volume controls shall be implemented using the Design Storm Method or the Simplified Method. For regulated activities equal to or less than one acre, this chapter establishes no preference for either method; therefore, the applicant may select either method on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.
 - 1. The Design Storm Method (CG-1 in the BMP Manual) is applicable to any sized regulated activity. This method requires detailed modeling based on site conditions.
 - a. Do not increase the post-development total runoff volume when compared to the predevelopment total runoff volume for the two-year/ twenty-four-hour storm event.
 - b. For hydrologic modeling purposes:
 - [1] Existing nonforested pervious areas must be considered meadow (good condition) for predevelopment hydrologic calculations.
 - [2] Twenty percent of existing impervious area, when present on the proposed project site, and contained within the new proposed limit of disturbance, shall be considered meadow (good condition) for predevelopment hydrologic calculations for redevelopment.
 - 2. The Simplified Method (CG-2 in the BMP Manual) is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one acre. For new impervious surfaces:
 - a. Stormwater facilities shall capture at least the first two inches of runoff from all new impervious surfaces.
 - b. At least the first one inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into surface waters of the commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
 - c. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
 - d. This method is exempt from the requirements of Section 304, Rate Controls.
- C. All applicable worksheets from Chapter 8 of the BMP Manual must be used when establishing volume controls.
- D. Actual field infiltration tests at the location of the proposed elevation of the stormwater BMPs are required when 5,000 square feet or greater of new impervious surface is added.

Infiltration tests shall be conducted in accordance with BMP Manual. The Borough shall be notified 24 hours prior to infiltration tests being conducted as to provide an opportunity for the Borough to witness the tests.

§ 93-17. Rate controls.

A. For areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan:

Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storm events. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

B. For areas covered by a release rate map from an approved Act 167 Stormwater Management Plan:

For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storm events, the postdevelopment peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the post-development discharge rates shall not exceed the pre-development discharge rates.

ARTICLE IV Erosion and Sedimentation Standards

§ 93-18. Erosion and sedimentation requirements during earth disturbance activities.

- A. The applicant shall meet requirements as contained in 25 Pa. Code Chapters 92and 102 as required and applicable as follows:
 - 1. The implementation and maintenance of erosion and sediment control BMPs.
 - 2. Development of written plans.
 - 3. Submission of plans for approval.
 - 4. Obtaining erosion and sediment control and NPDES permits.
 - 5. Maintaining plans and permits on site.
- B. Evidence of any necessary plan or permit approval for earth disturbance activities from PADEP or the Dauphin County Conservation District must be provided to the Borough.
- C. A copy of the approved erosion and sediment control plan and any other permit, as required by PADEP or the Dauphin County Conservation District, shall be available at the project site at all times if required under Chapter 102.
- D. Construction of temporary roadways (e.g., for utility construction, timber harvesting, etc.) shall comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pa. Code Chapters 102 and 105. The erosion and sedimentation control plan shall be submitted to the Dauphin County Conservation District for approval and shall address the following, as applicable:
 - 1. Design of the roadway system, including haul roads, skid roads, landing areas, trails, and storage and staging areas.
 - 2. Runoff control structures (e.g., diversions, culverts, detention ponds, etc.).
 - 3. Stream crossings for both perennial and intermittent streams.
 - 4. Access to public roadways, including design of rock construction entrance for mud and debris control.
 - 5. A remediation plan for restoring the disturbed area through regrading, topsoil placement, reseeding, and other stabilization techniques, as required.
- E. Additional erosion and sedimentation control design standards and criteria that must be applied where infiltration BMPs are proposed include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, as to maintain their maximum infiltration capacity.
 - 2. Infiltration BMPs shall be protected from receiving sediment-laden runoff.
 - 3. The source of protection for infiltration BMPs shall be identified (i.e., orange construction fence surrounding the perimeter of the BMP).

- F. Maintenance during development of a project shall be the responsibility of the developer and/or landowner and shall include, but not be limited to:
 - 1. Removal of silt and debris from basins, traps, inlet protection, silt fencing, or other structures or measures when capacity of those structures is reached.
 - 2. Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures.
 - 3. Establishment or reestablishment of vegetation by seeding and mulching or sodding of scoured areas or areas where vegetation has not successfully been established.
 - 4. Installation of necessary controls to correct unforeseen problems caused by storm events within design frequencies.
 - 5. The contractor or developer shall be responsible for removal of all temporary measures and installation of permanent measures upon completion of the project.

§ 93-19. Total maximum daily load (TMDL) requirements.

- A. Agricultural activities contributory to a watershed within Steelton Borough containing an established nonpoint source (agricultural) TMDL, shall be conducted in compliance with Chapter 102 (Erosion and Sediment Pollution Control), Chapter 91, § 91.36 (general provisions related to manure management) and Act 38 (Nutrient Management).
- B. This section shall apply to agricultural activities conducted in watersheds where TMDLs are established in the future.

ARTICLE V Design Criteria

§ 93-20. Design criteria for stormwater management and drainage facilities.

- A. General design guidelines.
 - 1. Stormwater shall not be transferred from one watershed to another, unless the watersheds are subwatersheds of a common watershed which join together within the perimeter of the property; the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or easements from the affected landowner(s) are provided.
 - 2. Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a predevelopment flow type condition.
 - 3. Stormwater BMPs and recharge facilities are encouraged (e.g., rooftop storage, dry wells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, stream channel storage, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PADEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the Borough Engineer (a preapplication meeting is suggested).
 - 4. All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
 - 5. No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a Borough or state roadway.
 - 6. The invert of all stormwater management facilities and underground infiltration/storage facilities shall be located a minimum of two feet above the seasonal high groundwater table or other soil limiting zone. The invert of stormwater facilities may be lowered if adequate subsurface drainage, which does not alter the existing water table level, is provided.
 - 7. Any stormwater management facility may be required to be fenced with a minimum four-foot high fence of material acceptable to the Borough. Gates with a minimum opening of 10 feet shall be provided for access.
 - 8. Stormwater management facilities excavated to carbonate rock must either be fitted with an impervious clay liner, or over-excavated four feet and refilled with a suitable material mix. Suitable backfill material is subject to the approval of the Borough Engineer.
 - 9. The type, location, and number of landscaping and planting specification shall be provided for all stormwater management facilities and be specific for each type of facility.
- B. Stormwater management facilities (with a depth of water equal to or greater than

three feet measured from the lowest point inside a facility to the crest of the emergency spillway).

- 1. Any stormwater management facility designed to store runoff and requiring a berm or earthen embankment, shall be designed to provide an emergency spillway to handle peak rate of stormwater runoff up to and including the one-hundred-year post-development flow, with a blocked primary outlet structure. The height of embankment must be set as to provide a minimum one foot of freeboard through the spillway, above the maximum water surface elevation, computed when the spillway functions for the one-hundred-year post-development inflow, with a blocked outlet structure. The primary outflow structure must be designed to pass all design storms (up to and including the one-hundred-year event) without discharging through the emergency spillway. The maximum water depth within any stormwater management facility shall be no greater than eight feet when functioning through the primary outlet structure.
- 2. Emergency spillways shall be armored to prevent erosion during the one-hundred-year post-development flow, with blocked primary outlet structure. Synthetic liners or riprap may be used, and calculations sufficient to support proposed armor must be provided. An earthen plug must be used to accurately control the spillway invert if riprap is the proposed armoring material. Emergency spillway armor must extend up the sides of the spillway, and continue at full width to a minimum of 10 feet past the toe of slope.
- 3. A stormwater management facility berm cross sections must be at least five feet wide at the top, and eight feet wide through the emergency spillway. For fill embankments, the side slopes shall be no steeper than 3:1 on the inside of the facility and 2:1 on the outside of the facility. For cut slopes, the side slopes shall be no steeper than 2:1.
- 4. A cutoff and key trench of impervious material shall be provided under all embankments four feet or greater in height.
- 5. Soils used for the construction of stormwater management facilities shall have low erodibility factors ("K" factors) (refer to E&S Manual) and be identified on the SWM site plan.
- 6. Trash racks must be provided to prevent clogging of primary outflow structure stages for all orifices equivalent to 12 inches or smaller in diameter.
- 7. Anti-seep collars must be provided on all outflow culverts in accordance with the methodology contained in the latest edition of the E&S Manual. An increase in seepage length of 15% must be used in accordance with the requirements for permanent anti-seep collars.
- 8. Conventional, non-BMP stormwater management facilities (i.e., dry detention basins) must empty over a period of time not less than 24 hours and not more than 72 hours from the end of the facility's inflow hydrograph. Infiltration tests performed at the facility locations and proposed basin bottom depths, in accordance with the BMP Manual, must support time-to-empty calculations if infiltration is a factor is the sizing of the stormwater management facility.
- 9. Impervious low flow channels are not permitted within stormwater management facilities to promote water quality and groundwater recharge for frequent storm events. Facilities designed as water quality/infiltration BMPs

may have a bottom slope of zero. Minimal maintenance, saturation tolerant vegetation must be provided in basins designed as water quality/infiltration BMPs. Conventional, non-BMP stormwater management facilities must have a minimum slope of 1% extending radially out from the primary outlet structure. Water storage below the lowest outlet structure stage (i.e., dead storage) is permitted in stormwater management facilities designed as water quality/infiltration BMPs.

- 10. Stormwater management facilities bottom elevations must be greater than adjacent floodplain elevations (FEMA or HEC-RAS analysis). If no floodplain is defined, bottom elevations must be higher than existing ground elevations 50 feet from top of stream bank in the facilities vicinity.
- 11. Basin outflow culverts discharging into floodplains must account for tailwater. Tailwater corresponding to the one-hundred-year floodplain elevation may be used for all design storms, or the applicant may elect to determine flood elevations of the adjacent watercourse for each design storm. The floodplain is assumed to be 50 feet from top of stream bank in areas where a floodplain is not designated, or where no other evidence is provided.
- 12. Exceptions to these requirements may be made at the discretion of the Borough for BMPs that retain or detain water, but are of a much smaller scale than traditional stormwater management facilities.
- C. Storm sewer facilities.
 - 1. Storm sewers must be able to convey post-development runoff from the design storm without surcharging inlets where appropriate. When connecting to an existing storm sewer system, the applicant must demonstrate that the proposed system will not exacerbate any existing stormwater problems and that adequate downstream capacity exists.
 - 2. A minimum pipe size of 15 inches in diameter shall be used in all roadway systems (public or private) proposed for construction. Pipes shall be designed to provide a minimum velocity of 2 1/2 feet per second when flowing full, but in all cases, the slope shall be no less than 0.5%. Arch pipe of equivalent cross-sectional area may be substituted in lieu of circular pipe where cover or utility conflict conditions exist.
 - 3. In proposed curbed roadway sections, the maximum encroachment of water on the roadway pavement shall not exceed half of a through travel lane or one inch less than the depth of curb during the ten-year design storm of five-minute duration. Gutter depth shall be verified by inlet capture/capacity calculations that account for road slope and opening area. The maximum distance between inlets in curbed roadway sections shall be no more than 600 feet; however access to underground pipes shall be provided every 300 feet.
 - 4. Standard Type "C" inlets with eight-inch hoods shall be used along vertical concrete curbs roadway networks. Type "C" inlets with ten-inch hoods that provide a two-inch sump condition may be used with approval of the Borough Engineer when roadway longitudinal slopes are 1.0% or less.
 - 5. For inlets containing a change in pipe size, the elevation for the crown of the

pipes shall be the same or the smaller pipe's crown shall be at a higher elevation.

- 6. All inlets shall provide a minimum two-inch drop between the lowest inlet pipe invert elevation and the outlet pipe invert elevation.
- 7. On curbed sections, a double inlet shall be placed at the low point of sag vertical curves, or an inlet shall be placed at the low point and on each side of the low point at a distance not to exceed 100 feet, or at an elevation not to exceed 0.2 feet above the low point.
- 8. At all roadway low points, swales and easements shall be provided behind the curb or swale and through adjacent properties to channelize and direct any overflow of stormwater runoff away from dwellings and structures.
- 9. Inlets shall be placed so drainage cannot cross intersections or street center lines.
- 10. All inlets in paved areas shall have heavy-duty bicycle-safe grating consistent with PennDOT Publication 72M. A note to this effect shall be added to the SWM site plan or inlet details therein.
- 11. Inlets must be sized to accept the specified pipe sizes without knocking out any of the inlet corners. All pipes entering or exiting inlets shall be cut flush with the inlet wall. A note to this effect shall be added to the SWM site plan or inlet details therein.
- 12. Inlets shall have weep holes covered with geotextile fabric placed at appropriate elevations to completely drain the sub grade prior to placing the base and surface course on roadways.
- 13. Inlets, junction boxes, or manholes greater than five feet in depth shall be equipped with ladder rungs and shall be detailed on the SWM site plan.
- 14. Inlets shall not have a sump condition in the bottom (unless designed as a water quality BMP). Pipes shall be flush with the bottom of the box or concrete channels shall be poured.
- 15. Inlets, manholes, pipes, and culverts shall be constructed in accordance with the specifications set forth in PennDOT's Publication 408, latest edition, and as detailed in the PennDOT's Publication 72M, Standards for Roadway Construction (RC), latest edition, or as approved by the Borough Engineer. All material and construction details (inlets, manholes, pipe trenches, etc.), must be shown on the SWM site plan, and a note added that all construction must be in accordance with PennDOT's Publication 408 and PennDOT's Publication 72M, latest edition. A note shall be added to the plan stating that all frames, concrete top units, and grade adjustment rings shall be set in a bed of full mortar according to Publication 408.
- 16. Accessible drainage structures shall be located on continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding 5°, and at all points of convergence of two or more storm sewer

pipes.

- 17. All storm drainage piping (equal to or greater than 12 inches) discharging to the ground surface shall be provided with either reinforced concrete headwalls and end sections or plastic and metal pipe end sections compatible with the pipe size involved in accordance with PennDOT Publication 408 and Publication 72M.
- 18. Outlet protection shall be provided at all surface discharge points with storm drainage piping (equal to or greater than 12 inches) in order to minimize erosion consistent with the E&S Manual.
- 19. Pavement base drain shall be provided at all low points in cut areas, toe of slope areas, and other areas as dictated by proven engineering principles and design judgment. All base drain shall be in accordance with PennDOT Publication 408.
- D. Swale conveyance facilities.
 - 1. Swales must be able to convey post-development runoff from the design storm with six inches of freeboard to top of the swale.
 - 2. Swales shall have side slopes no steeper than 3:1.
 - 3. All swales shall be designed, labeled on the SWM site plan, and details provided to adequately construct and maintain the design dimension of the swales.
 - 4. Swales shall be designed for stability using velocity or shear criteria. Velocity criteria may be used for channels with less than 10% slope. Shear criteria may be used for all swales. Documentation must be provided to support velocity and/or shear limitations used in calculations.
 - 5. Where swale bends occur, the computed velocities or shear stresses shall be multiplied by the following factor for the purpose of designing swale erosion protection:
 - a. When swale bend is 30° to 60° : 1.75.
 - b. When swale bend is 60° to 90° : 2.00.
 - c. When swale bend is 90° or greater: 2.50.
 - 6. Swales must be designed for both temporary and permanent conditions in accordance with the latest E&S Manual.

§ 93-21. Calculation methodology.

- A. All calculations shall be consistent with the guidelines set forth in the BMP Manual.
- B. Stormwater runoff from all development sites shall be calculated using either the Rational Method or a Soil Cover Complex methodology. Methods shall be selected by the qualified professional based on the individual limitations and suitability of each method for a particular site.

- C. Rainfall values.
 - 1. Rational Method. The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.
 - 2. Soil Cover Complex Method. The Soil Conservation Service Type II, twenty- fourhour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14.
- D. Peak flow rates.
 - 1. Rational Method. May be used for drainage areas up to 200 acres for stormwater conveyance and up to 20 acres for stormwater management. Extreme caution should be used by the qualified professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one verses the other, if the time of concentration exceeds 60 minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
 - a. The use of the Modified Rational Method to design stormwater management facilities must be approved by the Borough Engineer.
 - 2. Soil Cover Complex Method. May be used for drainage areas greater than 20 acres. This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration.
 - 3. For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).
- E. Runoff coefficients.
 - 1. Rational Method. Use Table C-1 (Appendix C).
 - 2. Soil Cover Complex Method. Use Table C-2 (Appendix C).
 - 3. For the purposes of predevelopment peak flow rate and volume determination, existing nonforested pervious areas conditions shall be considered as meadow (good condition).
 - 4. For the purposes of predevelopment volume determination, 20% of existing impervious area, when present on the project site, and contained within the new proposed limit of disturbance, shall be considered meadow (good condition) for predevelopment hydrologic calculations for redevelopment.
- F. Design storm.
 - 1. All drainage facilities (inlets, pipes, and swales) shall be designed to safely convey the ten-year storm.
 - 2. All stormwater management facilities shall be verified by routing the proposed one-year, two-year, ten-year, twenty-five-year, fifty-year, and one-hundred-year hydrographs through the facility using the Storage Indication (Modified

Puls) Method. The design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

- 3. The stormwater management and drainage system shall be designed to safely convey the post-development one-hundred-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.
- 4. All structures (culvert or bridges) proposed to convey runoff under a Borough road shall be designed to pass the fifty-year design storm with a minimum one foot of freeboard measured below the lowest point along the top of the roadway.
- 5. All design within state or federal rights-of-way or that falls under the design criteria of any higher authority must meet the requirements of that agency in addition to meeting the minimum requirements of this chapter.
- G. Time of concentration.
 - Time of concentration shall be computed using the NRCS Segmental Method as described in TR-55 (SCS 1986 or most current update). The length of sheet flow shall be limited to 100 feet. The Manning's "n" roughness coefficient for TR-55 sheet flow can be found in Table C-4 (Appendix C). Time of concentration for channel and pipe flow shall be computed using Manning's Equation.
 - 2. For sites with insignificant channelized flow and less than 20% imperviousness coverage, the time of concentration may be computed using the NRCS equation for lag time:

Time of Concentration =
$$T_c = \left[\left(\frac{T_{lag}}{0.6}\right) * 60\right]$$
 (minutes)
$$T_{lag} = \frac{L^{0.8}(S+1)^{0.7}}{1900\sqrt{Y}}$$

Where:

T _{lag}	=	Lag time (hours)
L	=	Hydraulic length of watershed (feet)
Y	=	Average overland slope of watershed (percent)
S	=	Maximum retention in watershed as defined by:
		$S = \left[\left(\frac{1,000}{CN} \right) - 10 \right]$
	CN	= NRCS Curve Number for watershed as defi

- CN = NRCS Curve Number for watershed as defined by NRCS Loss Method
- 3. Additionally, the following provisions shall apply to calculations for time of concentration:
 - a. The post-development time of concentration shall never be greater that the predevelopment time of concentration for any watershed or subwatershed.
 - b. The minimum time of concentration for any watershed shall be five

minutes.

- c. The designer may choose to assume a five-minute time of concentration for any post-development watershed or subwatershed without providing any computations.
- d. The designer must provide computations for all predevelopment time of concentration paths. A five-minute time of concentration can not be assumed for predevelopment.
- e. Undetained fringe areas (areas that are not tributary to a stormwater facility but where a reasonable effort has been made to convey runoff from all new impervious coverage to best management practices) may be assumed to represent the predevelopment conditions for purpose of time of concentration calculations.
- H. Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining predevelopment flows. If left undisturbed during construction activities, areas draining to closed depressions may also be removed from peak runoff rates in the post-development analysis. New, additional contributing runoff shall not be directed to existing sinkholes or closed depressions.
- I. Where uniform flow is anticipated, the Manning's Equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's Equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from Table C-3 (Appendix C). Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the ten-year design event is contained below the top of grate for each inlet box.
- J. The Borough 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.
- K. The Borough has the authority to require that computed existing runoff rates be reconciled with field observations, conditions and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and approval of the Borough.

ARTICLE VI SWM Site Plan and Report Requirements

§ 93-22. General requirements.

For any of the activities regulated by this chapter and not eligible for the exemptions provided in § 93-15, the final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any land disturbance activity, may not proceed until the applicant has received written approval of an SWM site plan from the Borough.

§ 93-23. SWM site plan and report contents.

The SWM site plan and SWM site report shall consist of all applicable calculations, maps, and plans. All SWM site plan materials shall be submitted to the Borough in a format that is clear, concise, legible, neat and well organized; otherwise, the SWM site plan shall be rejected. Appropriate sections from Steelton Borough's Subdivision and Land Development chapter, and other applicable local ordinances, shall be followed in preparing the SWM site plan.

- A. SWM site plan shall include (but not be limited to):
 - 1. Plans no larger than twenty-four-inch by thirty-six-inch sheets and in a form that meets the requirements for recording in the office of the Recorder of Deeds of Dauphin County.
 - 2. The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site plan.
 - 3. The date of submission and dates of all revisions.
 - 4. A graphical and written scale on all drawings and maps.
 - 5. A North arrow on all drawings and maps.
 - 6. A location map at a minimum scale of one inch equals 1,000 feet.
 - 7. Metes and bounds description of the entire tract perimeter.
 - 8. Existing and final contours at intervals of two feet.
 - 9. Existing waterbodies within the project area, including streams, lakes, ponds, field delineated wetlands or other bodies of water, sinkholes, flood hazard boundaries (FEMA delineated floodplains and floodways), areas of natural vegetation to be preserved, the total extent of the upstream area draining through the site, and overland drainage paths.
 - 10. The location of all existing and proposed utilities, on-lot wastewater facilities, water supply wells, sanitary sewers, and water lines on and within 50 feet of property lines.
 - 11. A key map showing all existing man-made features beyond the property boundary that may be affected by the project.
 - 12. Soil names and boundaries with identification of the hydraulic soil group classification.

- 13. The proposed limit of disturbance line and associated proposed disturbed acres.
- 14. Proposed structures, roads, paved areas, and buildings, including plans and profiles of roads and paved areas and floor elevations of buildings.
- 15. Horizontal alignment, vertical profiles, and cross sections of all open channels, pipes, swales and other BMPs.
- 16. The location and clear identification of the nature of permanent stormwater BMPs.
- 17. The location of all erosion and sedimentation control facilities.
- 18. A minimum twenty-foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Borough or their designees access to all easements via the nearest public right-of-way.
- 19. Construction details for all drainage and stormwater BMPs.
- 20. Construction details of any improvements made to sinkholes.
- 21. Identification of short-term and long-term ownership, operations, and maintenance responsibilities.
- 22. Notes and statements.
 - a. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without prior approval by Steelton Borough.
 - b. A statement referencing the operation and maintenance (O&M) agreement and stating that the O&M agreement is part of the SWM site plan.
 - c. A note indicating that record drawings will be provided for all stormwater management facilities prior to occupancy, or the release of financial security.
 - d. The following signature block for the qualified professional preparing the SWM site plan:

"I, _____, hereby certify that the Stormwater Management Site Plan meets all design standards and criteria of the Steelton Borough's Stormwater Management Chapter."

e. The following signature block for the qualified professional preparing the SWM site plan:

"I, _____, hereby certify that there (are/are not) wetlands on the subject property, the proposed project (will/will not) impact off-site wetlands, and permits (are/are not) required from the state or federal government."

- B. SWM site report shall include (but not be limited to):
 - 1. The name of the development; name and location address of the property site; name, address, and telephone number of the applicant/owner of the property; and name, address, telephone number, e-mail address, and engineering seal of the individual preparing the SWM site report.
 - 2. Project description narrative, including expected project time schedule.
 - 3. Location map showing the project site.
 - 4. Drainage area maps for all watersheds and inlets depicting the time of concentration paths.
 - 5. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
 - 6. Complete hydrologic, hydraulic and structural computations, calculations, assumptions, and criteria for the design of all stormwater BMPs.
 - 7. Description of, justification, and actual field results for infiltration testing with respect to the type of test and test location for the design of infiltration BMPs.
 - 8. Calculations showing the total drainage area and impervious area loading rates to each BMP.
 - 9. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater collection system that may receive runoff from the project site.
 - 10. Description of the proposed changes to the land surface and vegetative cover, including the type and amount of impervious area to be added.
 - 11. All applicable worksheets from Chapter 8 of the BMP Manual when establishing volume controls.
 - 12. Identification of short-term and long-term ownership, operation, and maintenance responsibilities as well as schedules and costs for inspection and maintenance activities for each permanent stormwater or drainage BMP, including provisions for permanent access or maintenance easements.
- C. Supplemental information to be provided prior to recording of the SWM site plan, as applicable:
 - 1. Signed and executed operations and maintenance agreement (Appendix A).
 - 2. Signed and executed easements, as required for all on-site and off-site work.
 - 3. An erosion and sedimentation control plan and approval letter from the Dauphin County Conservation District.
 - 4. An NPDES permit.

- 5. Permits from PADEP and ACOE.
- 6. A geologic assessment.
- 7. A wetland delineation report.
- 8. A highway occupancy permit from PennDOT when utilization of a PennDOT storm drainage system is proposed or when proposed facilities would encroach onto a PennDOT right-of-way.

§ 93-24. SWM site plan and report submission.

- A. The applicant shall submit the SWM site plan and report for the regulated activity.
- B. Three copies of the SWM site plan and report shall be submitted to the Borough and may be distributed as follows:
 - 1. Two copies for the Borough accompanied by the requisite review fee, as specified in this chapter.
 - 2. One copy for the Borough Engineer.
- C. Additional copies shall be submitted as requested by the Borough, Tri-County Regional Planning Commission, Dauphin County Conservation District or PADEP.

§ 93-25. SWM site plan and report review.

- A. The Borough shall require receipt of a complete SWM site plan and report as specified in this chapter. The Borough shall review the SWM site plan and report for consistency with the purposes, requirements, and intent of this chapter.
- B. The Borough shall not approve any SWM site plan and report that is deficient in meeting the requirements of this chapter. At its sole discretion and in accordance with this article, when an SWM site plan and report is found to be deficient, the Borough may disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Borough may accept submission of modifications. All revised SWM site plans and reports must be accompanied by a comment response letter, indicating how each of the Borough's comments was addressed.
- C. The Borough shall notify the applicant, in writing, within 45 calendar days whether the SWM site plan and report is approved or disapproved if the SWM site plan and report is not part of a subdivision or land development plan. If the SWM site plan and report involves a subdivision or land development plan, the timing shall following the subdivision and land development process according to the Municipalities Planning Code. The Borough Office shall not issue a building permit for any regulated activity if the SWM site plan and report has been found to be inconsistent with this chapter, as determined by the Borough. All required permits from PADEP must be obtained prior to issuance of a building permit.

§ 93-26. Modification of plans.

A modification to a submitted SWM site plan and report for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or

redesign of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM site plan as determined by the Borough, shall require a resubmission of the modified SWM site plan in accordance with this chapter.

§ 93-27. Resubmission of disapproved SWM site plan and report.

A disapproved SWM site plan and report may be resubmitted with the revisions addressing the Borough's concerns documented in writing, to the Borough in accordance with this chapter. The applicable Borough review fee must accompany a resubmission of a disapproved SWM site plan and report.

§ 93-28. Authorization to construct and term of validity.

The Borough's approval of an SWM site plan and report authorizes the regulated activities contained in the SWM site plan for a maximum term of validity of five years following the date of approval. The Borough may specify a term of validity shorter than five years in the approval for any specific SWM site plan. Terms of validity shall commence on the date the Borough signs the approval for an SWM site plan. If stormwater management facilities included in the approved SWM site plan have not been constructed, or if a record drawing of these facilities has not been approved within this time, then the Borough may consider the SWM site plan disapproved and may revoke any and all permits or approvals.

§ 93-29. Record drawings, completion certificate and final inspection.

- A. The applicant shall be responsible for providing record drawings of all stormwater BMPs included in the approved SWM site plan. The record drawings and an explanation of any discrepancies with the approved SWM site plan shall be submitted to the Borough.
- B. The record drawings shall include a certification of completion signed by a qualified professional verifying that all permanent stormwater BMPs have been constructed according to the approved SWM site plan and report. The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs.
- C. After receipt of the record drawings and certification of completion, the Borough may conduct a final inspection.

ARTICLE VII Easements

§ 93-30. Easement requirements.

- A. Easements shall be established to accommodate the existence of drainageways.
- B. Easements shall be established for all on-site stormwater management or drainage facilities, including but not limited to detention facilitates (aboveground or below ground), infiltration facilities, all stormwater BMPs, drainage swales, and drainage facilities (inlets, manholes, pipes, etc.).
- C. Easements are required for all areas used for off-site stormwater control.
- D. All easements shall be a minimum of 20 feet wide.
- E. Easements shall provide ingress to and egress from a public right-of-way. In lieu of providing an easement to the public right-of-way, a note may be added to the plan granting the Borough or their designees access to all easements via the nearest public right-of-way.
- F. Where possible, easements shall be centered on side and/or rear lot lines.
- G. The following note shall be placed on the recorded plan, "Nothing shall be planted or placed within the easement which would adversely affect the function of the easement, or conflict with any conditions associated with such easement."
- H. A note shall be placed on the SWM site plan identifying the party responsible for assuring the continued functionality and required maintenance of any easement.

ARTICLE VIII Maintenance Responsibilities

§ 93-31. Financial guarantee.

- A. The applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM site plan and this chapter, equal to 110% of the full construction cost of the required controls in accordance with the Municipalities Planning Code.At the completion of the project and as a prerequisite for the release of the financial guarantee, the applicant shall:
 - 1. Provide a certification of completion from an engineer, architect, surveyor or other qualified professional, verifying that all permanent facilities have been constructed according to the SWM site plan and report and approved revisions thereto.
 - 2. Provide a set of record drawings.
 - 3. Request a final inspection from the Borough to certify compliance with this chapter, after receipt of the certification of completion and record drawings by the Borough.

§ 93-32. Maintenance responsibilities.

- A. The SWM site plan and report for the project site shall describe the future operation and maintenance responsibilities. The operation and maintenance description shall outline required routine maintenance actions and schedules necessary to ensure proper operation of the stormwater control facilities.
- B. The SWM site plan and report for the project site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - 1. If a development consists of structures or lots that are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the Borough, stormwater control facilities/BMPs may also be dedicated to and maintained by the Borough.
 - 2. If a development site is to be maintained in a single ownership or if streets, sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities/BMPs shall be the responsibility of the owner or private management entity.
 - 3. Facilities, areas, or structures used as stormwater BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or easements that run with the land.
 - 4. The SWM site plan and operation and maintenance (O&M) agreement shall be recorded as a restrictive deed covenant that runs with the land.
 - 5. The Borough may take enforcement actions against an applicant for failure to satisfy any provision of this chapter.

- C. The Borough, upon recommendation of the Borough Engineer, shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM site plan and report. The Borough may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a requirement is not an indication that the Borough will accept the facilities. The Borough reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- D. If the Borough accepts ownership of stormwater BMPs, the Borough may, at its discretion, require a fee from the applicant to the Borough to offset the future cost of inspections, operations, and maintenance.
- E. It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved SWM site plan, or to allow the property to remain in a condition, which does not conform to an approved SWM site plan, unless the Borough grants an exception in writing.

§ 93-33. Maintenance agreement for privately owned stormwater facilities.

- A. Prior to final approval of the SWM site plan and report, the applicant shall sign the operation and maintenance (O&M) agreement (Appendix A) covering all stormwater control facilities that are to be privately owned. The operation and maintenance (O&M) agreement shall be recorded with the SWM site plan and made a part hereto.
 - 1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Agreement.
 - 2. The owner shall convey to the Borough conservation easements to assure access for periodic inspections by the Borough and maintenance, as necessary.
 - 3. The owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Borough within ten (10) working days of the change.
- B. Other items may be included in the operation and maintenance (O&M) agreement where determined necessary to guarantee the satisfactory operation and maintenance of all BMP facilities. The operation and maintenance (O&M) agreement shall be subject to the review and approval of the Borough and the Borough Solicitor.
- C. The owner is responsible for operation and maintenance of the stormwater BMPs. If the owner fails to adhere to the operation and maintenance (O&M) agreement, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

ARTICLE IX Inspections

§ 93-34. Schedule of inspections.

- A. PADEP or its designees normally ensure compliance with any permits issued, including those for stormwater management. In addition to PADEP compliance programs, the Borough or their assignee may inspect all phases of the installation of temporary or permanent stormwater management facilities.
- B. During any stage of earth disturbance activities, if the Borough determines that the temporary or permanent stormwater management facilities are not being installed in accordance with the approved SWM site plan, the Borough shall revoke any existing permits or approvals until a revised SWM site plan is submitted and approved as specified in this chapter.
- C. The landowner or the owner's designee (including the Borough for dedicated and owned facilities) shall inspect SWM BMPs, facilities and/or structures installed under this Ordinance 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.

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 Borough within 30 days following completion of the inspection.

- D. If such inspections are not conducted or inspection reports not submitted as scheduled, the Borough, or their designee, may conduct such inspections and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.
 - 1. Prior to conducting such inspections, the Borough shall inform the owner of its intent to conduct such inspections. The owner shall be given 30 days to conduct required inspections and submit the required inspection reports to the Borough.

§ 93-35. Right-of-entry.

- A. Upon presentation of proper credentials, duly authorized representatives of the Borough may enter at reasonable times upon any property within the Borough to inspect the implementation, condition, or operations and maintenance of the stormwater BMPs in regard to any aspect governed by this chapter.
- B. Stormwater BMP owners and operators shall allow persons working on behalf of the Borough ready access to all parts of the premises for the purposes of determining compliance with this chapter.

- C. Persons working on behalf of the Borough shall have the right to temporarily locate on any stormwater BMP in the Borough such devices, as are necessary, to conduct monitoring and/or sampling of the discharges from such stormwater BMP.
- D. Unreasonable delay in allowing the Borough access to a stormwater BMP is a violation of this chapter.

ARTICLE X Enforcement and Penalties

§ 93-36. Notification.

- A. In the event that a person fails to comply with the requirements of this chapter, an approved SWM site plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Borough shall provide written notification, via certified mail, of the violation to the landowner indicated on the O&M agreement. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
- B. Failure to comply within the time specified shall subject such person to the penalties provisions of this chapter. All such penalties shall be deemed cumulative and shall not prevent the Borough from pursuing any and all other 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.

§ 93-37. Enforcement.

- A. Steelton Borough is hereby authorized and directed to enforce all of the provisions of this chapter. The approved SWM site plan shall be on file at the project site throughout the duration of the construction activity. The Borough or their designee may make periodic inspections during construction.
- B. Adherence to approved SWM site plan.
 - 1. It shall be unlawful for any person, firm, or corporation to undertake any regulated activity on any property except as provided for by an approved SWM site plan and pursuant to the requirements of this chapter.
 - 2. It shall be unlawful to alter or remove any control structure required by the SWM site plan pursuant to this chapter.
 - 3. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM site plan.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the Borough.

§ 93-38. Public nuisance.

- A. A 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.

§ 93-39. Suspension and revocation.

- A. Any approval or permit issued by the Borough may be suspended or revoked for:
 - 1. Noncompliance with or failure to implement any provision of the approved SWM site plan or operation and maintenance (O&M) agreement.
 - 2. A violation of any provision of this chapter or any other applicable law, chapter, rule or regulation relating to the regulated activity.

- 3. The creation of any condition or the commission of any act, during the regulated activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval or permit may be reinstated by the Borough when:
 - 1. The Borough or their designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 - 2. The Borough is satisfied that the violation(s) has been corrected.
- C. An approval that has been revoked by the Borough cannot be reinstated. The applicant may apply for a new approval under the provisions of this chapter.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Borough may provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

§ 93-40. Enforcement remedies; violations and penalties.

- A. Civil judgment; monetary.
 - 1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$600, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the Magisterial District Justice and thereafter each day that a violation continues shall constitute a separate violation.
 - 2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
 - 3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
 - 4. Magisterial District Justices shall have initial jurisdiction over proceedings brought

under this subsection.

- B. Civil judgment; suits to restrain, prevent or abate violations.
 - 1. Any activity conducted in violation of the provisions of this chapter, as applied to the Borough, is hereby declared a public nuisance.
 - 2. The Borough, at its option, may institute suits in equity or at law to restrain, prevent or abate violation of this chapter affecting the Borough. Except in cases of emergency, where, in the opinion of the Court of Common Pleas, the circumstances of the case require immediate abatement of the unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct shall correct or abate the same. The expense of such proceedings shall be recoverable from the violator as part of the court's order or in any action in assumpsit or in the same manner as a municipal claim is recovered.
- C. In addition, the Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§ 93-41. Appeals.

- A. Any person aggrieved by any action of the Borough or its designee relevant to the provisions of this chapter may appeal to the Capital Area COG UCC Joint Appeals Board within 30 days of that action.
- B. Any person aggrieved by any decision of the Borough or the Capital Area COG UCC Joint Appeals Board relevant to the provisions of this chapter may appeal to the Dauphin County Court of Common Pleas within 30 days of the decision.

ARTICLE XI Prohibitions

§ 93-42. Prohibited discharges and connections.

- A. Any drain (including indoor drains and sinks), or conveyance whether on the surface or underground, that allows any nonstormwater discharge, including sewage, process wastewater, and wash water to enter the Borough's separate storm sewer system or waters of the commonwealth is prohibited.
- B. Any drain or conveyance connected from a commercial or industrial land use to the Borough's separate storm sewer system, which has not been documented in plans, maps, or equivalent records, and approved by the Borough is prohibited.
- C. No person shall allow, or cause to allow, discharges into the Borough's separate storm sewer system or into surface waters of the commonwealth, which are not composed entirely of stormwater, except as provided in § 93-42D below, and discharges allowed under a state or federal permit.
- D. The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of the Commonwealth:
 - 1. Discharges or flows from firefighting activities.
 - 2. Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
 - 3. Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
 - 4. Diverted stream flows and springs.
 - 5. Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
 - 6. Non-contaminated HVAC condensation and water from geothermal systems.
 - 7. Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
 - 8. Non-contaminated hydrostatic test water discharges, if such discharges do not contain detectable concentrations of TRC.
- E. In the event that the Borough or PADEP determines that any of the discharges identified in § 93-42D, significantly contribute to pollution of waters of the commonwealth, or is so notified by PADEP, the Borough will notify the responsible person(s) to cease the discharge.
- F. Upon notice provided by the Borough or PADEP under § 93-42E, the discharger will have a reasonable time, as determined by the Borough or PADEP, to cease the discharge, consistent with the degree of pollution caused by the discharge.
- G. Nothing in this section shall affect a discharger's responsibilities under commonwealth law.

§ 93-43. Roof drain and sump pump discharge requirements.

Roof drains and sump pumps shall discharge to infiltration areas, vegetative BMPs, or pervious areas to the maximum extent practicable.

§ 93-44. Alteration of BMPs prohibited.

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

ARTICLE XII Fees and Expenses

§ 93-45. Borough review fee required.

The fee required by this chapter is the Borough review fee. The Borough review fee shall be established by the Borough to defray review costs incurred by the Borough and the Borough Engineer. The applicant shall pay all fees.

§ 93-46. Expenses covered by fees.

The fees required by this chapter shall, at a minimum, cover:

- A. Administrative and clerical costs.
- B. Review of the SWM site plan and report by the Borough.
- C. Preconstruction meetings.
- D. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
- E. Final inspection upon completion of the stormwater management facilities/BMPs and drainage improvements presented in the SWM site plan.
- F. Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.

§ 93-47. Recording of approved SWM site plan and related agreements.

- A. The owner of any land upon which permanent BMPs will be placed, constructed, or implemented, as described in the SWM site plan, shall record the following documents in the office of the Recorder of Deeds of Dauphin County within 45 days of approval of the SWM site plan by the Borough:
 - 1. The SWM site plan.
 - 2. Operations and maintenance (O&M) agreement (Appendix A).
 - 3. Easements under § 93-30.
- B. The Borough may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this section.

§ 93-45. Borough review fee required.

The fee required by this chapter is the Borough review fee. The Borough review fee shall be established by the Borough to defray review costs incurred by the Borough and the Borough Engineer. The applicant shall pay all fees.

§ 93-46. Expenses covered by fees.

The fees required by this chapter shall, at a minimum, cover:

- Administrative and clerical costs. Α.
- Review of the SWM site plan and report by the Borough. Β.
- C. Preconstruction meetings.
- D. Inspection of stormwater management facilities/BMPs and drainage improvements during construction.
- Final inspection upon completion of the stormwater management facilities/BMPs E. and drainage improvements presented in the SWM site plan.
- Any additional work required to enforce any permit provisions regulated by this F. chapter, correct violations, and assure proper completion of stipulated remedial actions.

§ 93-47. Recording of approved SWM site plan and related agreements.

- The owner of any land upon which permanent BMPs will be placed, constructed, or Α. implemented, as described in the SWM site plan, shall record the following documents in the office of the Recorder of Deeds of Dauphin County within 45 days of approval of the SWM site plan by the Borough:
 - The SWM site plan. 1.
 - Operations and maintenance (O&M) agreement (Appendix A). 2.
 - 3. Easements under § 93-30.
- The Borough may suspend or revoke any approvals granted for the project site upon Β. discovery of the failure of the owner to comply with this section.

NOW THERE FORE, BE IT ENALTED AND ORDAINED AND ITS ORDAINED AND ENALTED by the Borgh Camil of the Boeychotsteetton.

Adopted this 27th day of September, 2022.

Rocemans T Ast. Secretary

President of the Borough Council of the Borough of Steelfor

ACCEPTED and approved this 29th day of Sep