

ORDINANCE NO. 2007-2

**AN ORDINANCE OF THE TOWNSHIP OF LOWHILL, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA KNOWN AS THE "JORDAN CREEK WATERSHED ACT 167 STORMWATER MANAGEMENT ORDINANCE" ADOPTED PURSUANT TO THE AUTHORITY OF THE ACT OF OCTOBER 4, 1978, P.L. 864 (ACT 167), 32 P.S. § 680.1, *et seq.*, AS AMENDED, THE "Stormwater Management Act AND THE SECOND CLASS TOWNSHIP CODE; PROVIDING A Short Title, Statement of Findings, Purpose, Statutory Authority, Applicability Statement, Exemptions, Repealer, Severability Clause, Compatability Statement, Statement of Duty, Definitions, General Requirements, Permit Requirements, Erosion and Sediment Control Measures, Post Construction Water Quality Criteria, Designation of Stormwater Management Districts, Stormwater Management District Implementations Provisions, Calculation Methodology, Drainage Plan Requirements, Inspections, Fees and Expenses, Stormwater BMP Operations and Maintenance Plan Requirements, Prohibitions, Right of Entry, and Notification and Enforcement Provisions.**

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Lowhill, County of Lehigh and Commonwealth of Pennsylvania, in lawful session and duly assembled, as follows:

**JORDAN CREEK WATERSHED  
ACT 167 STORMWATER MANAGEMENT ORDINANCE**

**ARTICLE 1  
GENERAL PROVISIONS**

**SECTION 101. SHORT TITLE**

This Ordinance shall be known and may be cited as the “ Jordan Creek Watershed Act 167 Stormwater Management Ordinance”.

**SECTION 102. STATEMENT OF FINDINGS**

The governing body of the municipality finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, changes the natural hydrologic patterns, destroys aquatic habitat, elevates aquatic pollutant concentrations and loadings, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety and welfare and the protection of the people of the municipality and all of the people of the Commonwealth, their resources and the environment.
- C. Stormwater can be an important resource by providing groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.
- D. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- \* E. 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).

\*Throughout the Ordinance, these provisions are from the DEP Guidance on MS4 Ordinance Provisions and are not required for municipalities not subject to the NPDES Phase II regulations.

- F. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the municipality.

### **SECTION 103. PURPOSE**

The purpose of this Ordinance is to promote the public health, safety and welfare within the Jordan Creek Watershed by minimizing the damages and maximizing the benefits described in Section 102 of this Ordinance by provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage infiltration of stormwater, where appropriate, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- D. Maintain the existing flows and quality of streams and watercourses in the municipality and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of all permanent stormwater management BMPs that are implemented in the municipality.
- G. Provide review procedures and performance standards for stormwater planning, design and management.
- H. Manage stormwater impacts close to the runoff source which requires a minimum of structures and relies on natural processes.
- I. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93.4a to protect and maintain "existing uses" and maintain the level of water quality to support those uses in all streams and to protect and maintain water quality in "special protection" streams.
- J. Prevent scour and erosion of streambanks and streambeds.
- \* K. Provide standards to meet the NPDES permit requirements.

### **SECTION 104. STATUTORY AUTHORITY**

The municipality is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act" and "The Second Class Township Code."

## SECTION 105. APPLICABILITY

This Ordinance shall only apply to those areas of the municipality which are located within the Jordan Creek Watershed(s) as delineated on an official map available for inspection at the municipal office. A map of the Jordan Creek Watershed(s) at a reduced scale is included in Appendix A for general reference. [Municipalities subject to the NPDES Phase II regulations must ensure that all of the ordinance provisions required to meet the MS4 NPDES requirements apply across the entire municipality.]

The following activities are defined as Regulated Activities and shall be governed by this Ordinance:

- A. Land development.
- B. Subdivision.
- C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
- D. Construction of new buildings or additions to existing buildings.
- E. Diversion or piping of any natural or man-made stream channel.
- F. Installation of stormwater systems or appurtenances thereto.
- \* G. Regulated Earth Disturbance Activities.

## SECTION 106. EXEMPTIONS

- A. Impervious Cover - Any proposed Regulated Activity, except those defined in Section 105.E. and 105.F., which would create 10,000 square feet or less of additional impervious cover is exempt from the Drainage Plan preparation provisions of this Ordinance. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the Drainage Plan preparation provisions of this Ordinance. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original ordinance date must meet the provisions of this Ordinance.
  - 1. The date of the municipal Ordinance adoption of the original Jordan Creek Watershed Act 167 Stormwater Management Ordinance April 7, 1993 shall be the starting point from which to consider tracts as "parent tracts" in which future subdivisions and respective impervious area computations shall be cumulatively considered.
  - 2. For development taking place in stages, the entire development plan must be used in determining conformance with these criteria.

3. Additional impervious cover shall include, but not be limited to, additional indoor living spaces, decks, patios, garages, driveways, storage sheds and similar structures, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed Regulated Activity.
  4. Any additional areas proposed to initially be gravel, crushed stone, porous pavement, etc. shall be assumed to be impervious for the purposes of comparison to the exemption criteria. Any existing gravel, crushed stone or hard packed soil areas on a site shall be considered as pervious cover for the purpose of exemption evaluation.
- B. Prior Drainage Plan Approval - Any Regulated Activity for which a Drainage Plan was previously prepared as part of a subdivision or land development proposal that received preliminary plan approval from the municipality prior to the effective date of this Ordinance is exempt from the Drainage Plan preparation provisions of this Ordinance, except as cited in Section 106.C., provided that the approved Drainage Plan included design of stormwater facilities to control runoff from the site currently proposed for Regulated Activities consistent with ordinance provisions in effect at the time of approval and the approval has not lapsed under the Municipalities Planning Code. If significant revisions are made to the Drainage Plan after both the preliminary plan approval and the effective date of this Ordinance, preparation of a new Drainage Plan, subject to the provisions of this Ordinance, shall be required. Significant revisions would include a change in control methods or techniques, relocation or redesign of control measures or changes necessary because soil or other conditions are not as stated on the original Drainage Plan.
- C. These exemptions shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property, and State Water Quality Requirements. These measures include adequate and safe conveyance of stormwater on the site and as it leaves the site. These exemptions do not relieve the applicant from the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.
- D. No exemptions shall be provided for Regulated Activities as defined in Sections 105.E. and 105.F.

## **SECTION 107. REPEALER**

Any ordinance of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

## **SECTION 108. SEVERABILITY**

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

## **SECTION 109. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS**

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

## **SECTION 110. DUTY OF PERSONS ENGAGED IN THE DEVELOPMENT OF LAND**

Notwithstanding any provisions of this Ordinance, including exemption and waiver provisions, any landowner and 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 shall include such actions as are required to manage the rate, volume, direction and quality of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

## **ARTICLE 2 DEFINITIONS**

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

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

**Accelerated Erosion** – The removal of the surface of the land through the combined action of human activities and natural processes, at a rate greater than would occur because of the natural processes alone.

**Best Management Practice (BMP)** – Activities, facilities, measures or procedures used to manage stormwater quantity and quality impacts from the Regulated Activities listed in Section 105, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance.

**Best Management Practice Operations and Maintenance Plan** – Documentation, included as part of a Drainage Plan, detailing the proposed BMPs, how they will be operated and maintained and who will be responsible.

**Bioretention** - Densely vegetated, depressed features that store stormwater and filter it through vegetation, mulch, planting soil, etc. Ultimately stormwater is evapotranspired, infiltrated, or

discharged. Optimal bioretention areas mimic natural forest ecosystems in terms of species diversity, density, distribution, use of native plants, etc.

**Buffer** – (1) Streamside Buffer - A zone of variable width located along a stream that is vegetated and is designed to filter pollutants from runoff.

(2) Special Geologic Feature Buffer – A required isolation distance from a special geologic feature to a proposed BMP needed to reduce the risk of sinkhole formation due to stormwater management activities.

**Capture/Reuse** - Stormwater management techniques such as cisterns and rain barrels which direct runoff into storage devices, surface or sub-surface, for later re-use, such as for irrigation of gardens and other planted areas. Because this stormwater is utilized and no pollutant discharge results, water quality performance is superior to other non-infiltration BMPs.

**Carbonate Bedrock** – Rock consisting chiefly of carbonate minerals, such as limestone and dolomite; specifically a sedimentary rock composed of more than 50% by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

**Cistern** - An underground reservoir or tank for storing rainwater.

**Closed Depression** - A distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude, and an unbroken ground surface.

**Conservation District** - The Lehigh or Northampton County Conservation District, as applicable.

**Constructed Wetlands** - Constructed wetlands are similar to wet ponds (see below) and consist of a basin which provides for necessary stormwater storage as well as a permanent pool or water level, planted with wetland vegetation. To be successful, constructed wetlands must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water). In these cases, the permanent pool must be designed carefully, usually with shallow edge benches, so that water levels are appropriate to support carefully selected wetland vegetation.

**Culvert** - A pipe, conduit or similar structure including appurtenant works which carries surface water.

**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.

**DEP** - The Pennsylvania Department of Environmental Protection.

**Design Storm** - The depth and time distribution of precipitation from a storm event measured in probability of occurrence (e.g., 100-yr. storm) and duration (e.g. 24-hour) and used in computing stormwater management control systems.

**Detention Basin** - A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at the appropriate Release 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 Ordinance.

**Development Site (Site)** - The specific tract of land for which a Regulated Activity is proposed.

**Diffused Drainage** – See Sheet Flow.

**Drainage Easement** - A right granted by a land owner to a grantee, allowing the use of private land for stormwater management purposes.

**Drainage Plan** - The documentation of the proposed stormwater quantity and quality management controls to be used for a given development site, including a BMP Operations and Maintenance Plan, the contents of which are established in Section 403.

**Earth Disturbance Activity** – A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

**Erosion** - The removal of soil particles by the action of water, wind, ice, or other geological agents.

**Existing Uses** –Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards. (25 Pa. Code Chapter 93.1)

**Fill** – Man-made deposits of natural soils or rock products and waste materials.

**Filter Strips** – See Vegetated Buffers.

**Freeboard** - The incremental depth in a stormwater management structure, provided as a safety factor of design, above that required to convey the design runoff event.

**Groundwater Recharge** - Replenishment of existing natural underground water supplies.

**Hardship Waiver Request** – A written request for a waiver alleging that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. A Hardship Waiver does not apply to and is not available from the water quality provisions of this Ordinance and should not be granted.

**Hydrologic Soil Group (HSG)** – Soils are classified into four HSGs (A, B, C and D) to indicate the minimum infiltration rates, which are obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US 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 the development site may be identified from a soil survey



report that can be obtained from local NRCS offices or conservation district offices. Soils become less permeable as the HSG varies from A to D.

**Hot Spot Land Uses** – A land use or activity that generates higher concentrations of hydrocarbons, trace metals or other toxic substances than typically found in stormwater runoff. These land uses are listed in Section 304.P.

**Impervious Surface (Impervious Cover)** - A surface which prevents the percolation of water into the ground.

**Infiltration Practice** - A practice designed to direct runoff into the ground, e.g. French drain, seepage pit, seepage trench or bioretention area.

**Karst** – A type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage and caves. Karst is usually formed on carbonate rocks, such as limestones or dolomites and sometimes gypsum.

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

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

**Loading Rate** – The ratio of the land area draining to the system, as modified by the weighting factors in Section 307.B., compared to the base area of the infiltration system.

**Low Impact Development** – A development approach that promotes practices that will minimize post-development runoff rates and volumes thereby minimizing needs for artificial conveyance and storage facilities. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces and protecting natural depression storage.

**“Local” Runoff Conveyance Facilities** - Any natural channel or man-made conveyance system which has the purpose of transporting runoff from the site to the Mainstem.

**Mainstem (Main Channel)** - Any stream segment or other conveyance used as a reach in the Jordan Creek hydrologic model.

**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.

**Maryland Stormwater Design Manual** – A stormwater design manual written by the Maryland Department of the Environment and the Center for Watershed Protection. As of January 2004, the Manual can be obtained through the following web site: [www.mde.state.md.us](http://www.mde.state.md.us).

**Minimum Disturbance/Minimum Maintenance Practices (MD/MM)** - Site design practices in which careful limits are placed on site clearance prior to development allowing for maximum retention of existing vegetation (woodlands and other), minimum disturbance and compaction of existing soil mantle and minimum site application of chemicals post-development. Typically, MD/MM includes disturbance setback criteria from buildings as well as related site improvements such as walkways, driveways, roadways, and any other improvements. These criteria may vary by community context as well as by type of development being proposed. Additionally, MD/MM also shall include provisions (e.g., deed restrictions, conservation easements) to protect these areas from future disturbance and from application of fertilizers, pesticides, and herbicides.

**Municipality** - Lowhill Township, Lehigh County, , Pennsylvania.

**No Harm Option** – The option of using a less restrictive runoff quantity control if it can be shown that adequate and safe runoff conveyance exists and that the less restrictive control would not adversely affect health, safety and property.

**NPDES** - National Pollutant Discharge Elimination System.

**NRCS** - Natural Resources Conservation Service - U.S. Department of Agriculture. (Formerly the Soil Conservation Service.)

**Oil/Water Separator** – A structural mechanism designed to remove free oil and grease (and possibly solids) from stormwater runoff.

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

**Owner** – One with an interest in and often dominion over a property.

**Peak Discharge** - The maximum rate of flow of stormwater runoff at a given location and time resulting from a specified storm event.

**Penn State Runoff Model (PSRM)** - The computer-based hydrologic modeling technique adapted to each watershed for the Act 167 Plans. The model was “calibrated” to reflect actual flow values by adjusting key model input parameters.

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

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

**Preliminary Site Investigation** – The determination of the depth to bedrock, the depth to the seasonal high water table and the soil permeability for a possible infiltration location on a site through the use of published data and on-site surveys. In carbonate bedrock areas, the location of special geologic features must also be determined along with the associated buffer distance to the possible infiltration area. See Appendix G.

**Public Water Supplier** – A person who owns or operates a Public Water System.

**Public Water System** – A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (See 25 Pa. Code Chapter 109)

**Qualified Geotechnical Professional** – A licensed professional geologist or a licensed professional engineer who has a background or expertise in geology or hydrogeology.

**Rational Method** - A method of peak runoff calculation using a standardized runoff coefficient (rational 'c'), acreage of tract and rainfall intensity determined by return period and by the time necessary for the entire tract to contribute runoff. The rational method formula is stated as follows:  $Q = ciA$ , where "Q" is the calculated peak flow rate in cubic feet per second, "c" is the dimensionless runoff coefficient (see Appendix C), "i" is the rainfall intensity in inches per hour, and "A" is the area of the tract in acres.

**Reach** - Any of the natural or man-made runoff conveyance channels used for watershed runoff modeling purposes to connect the subareas and transport flows downstream.

**Recharge Volume (REv)** – The portion of the water quality volume (WQv) used to maintain groundwater recharge rates at development sites. (see Section 304.J.)

**Regulated Activities** - Actions or proposed actions which impact upon proper management of stormwater runoff and which are governed by this Ordinance as specified in Section 105.

**Regulated Earth Disturbance Activities** – Earth disturbance activity other than agricultural plowing or tilling of one acre or more with a point source discharge to surface waters or to the municipality's storm sewer system or earth disturbance activity of five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part or during any stage of a larger common plan of development.

**Release Rate** - The percentage of the pre-development peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to avoid peak flow increases throughout the watershed.

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

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

**Runoff** - That part of precipitation which flows over the land.

**Sediment Traps/Catch Basin Sumps** – Chambers which provide storage below the outlet in a storm inlet to collect sediment, debris and associated pollutants, typically requiring periodic clean out.

**Seepage Pit/Seepage Trench** - An area of excavated earth filled with loose stone or similar material and 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, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

**Sheet Flow** – Stormwater runoff flowing in a thin layer over the ground surface.

**Soil-Cover-Complex Method** - A method of runoff computation developed by NRCS which is based upon relating soil type and land use/cover to a runoff parameter called a Curve Number.

**Special Geologic Features** – Carbonate bedrock features, including but not limited to closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves, pinnacles and geologic contacts between carbonate and non-carbonate bedrock which may exist and must be identified on a site when stormwater management BMPs are being considered.

**Spill Prevention and Response Program** – A program that identifies procedures for preventing and, as needed, cleaning up potential spills and makes such procedures known and the necessary equipment available to appropriate personnel.

**State Water Quality Requirements** - As defined under State regulations -- protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96)--including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishes” or “potable water supply,” which is listed in Chapter 93. These uses must be protected and maintained, under State regulations.
- B. “Existing uses” are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated 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.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated 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.

**Storage Indication Method** – A method of routing or moving an inflow hydrograph through a reservoir or detention structure. The method solves the mass conservation equation to determine an outflow hydrograph as it leaves the storage facility.

**Storm Drainage Problem Areas** - Areas which lack adequate stormwater collection and/or conveyance facilities and which present a hazard to persons or property. These areas are either documented in Appendix B of this Ordinance or identified by the municipality or municipal engineer.

**Storm Sewer** - A system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

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

**Stormwater Filters** - Any number of structural mechanisms such as multi-chamber catch basins, sand/peat filters, sand filters, and so forth which are installed to intercept stormwater flow and remove pollutants prior to discharge. Typically, these systems require periodic maintenance and clean out.

**Stormwater Management Plan** - The plan for managing stormwater runoff adopted by Lehigh and/or Northampton County for the Jordan Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Stormwater Management Act”.

**Stream** - A Watercourse.

**Subarea** - The smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the Stormwater Management Plan.

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

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

**Swale** - A low-lying stretch of land which gathers or carries surface water runoff. See also Vegetated Swale.

**Technical Best Management Practice Manual & Infiltration Feasibility Report, November 2002** – The report written by Cahill Associates that addresses the feasibility of infiltration in carbonate bedrock areas in the Little Lehigh Creek Watershed. The report is available at the Lehigh Valley Planning Commission offices.

**Trash/Debris Collectors** – Racks, screens or other similar devices installed in a storm drainage system to capture coarse pollutants (trash, leaves, etc.).

**Vegetated Buffers** - Gently sloping areas that convey stormwater as sheet flow over a broad, densely vegetated earthen area, possibly coupled with the use of level spreading devices. Vegetated buffers should be situated on minimally disturbed soils, have low-flow velocities and extended residence times.

**Vegetated Roofs** - Vegetated systems installed on roofs that generally consist of a waterproof layer, a root-barrier, drainage layer (optional), growth media, and suitable vegetation. Vegetated roofs store and eventually evapotranspire the collected rooftop rainfall; overflows may be provided for larger storms.

**Vegetated Swales** – (1) – Vegetated earthen channels designed to convey stormwater. These swales are not considered to be water quality BMPs.

(2) - Broad, shallow, densely vegetated, earthen channels designed to treat stormwater while slowly infiltrating, evapotranspiring, and conveying it. Swales should be gently sloping with low flow velocities to prevent erosion. Check dams may be added to enhance performance.

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

**Water Quality Inserts** – Any number of commercially available devices that are inserted into storm inlets to capture sediment, oil, grease, metals, trash, debris, etc.

**Water Quality Volume (WQv)** – The volume needed to capture and treat 90% of the average annual rainfall volume. (see Section 304.B.)

**Watershed** – The entire region or area drained by a river or other body of water, whether natural or artificial.

**Wet Detention Ponds** – Basins that provide for necessary stormwater storage as well as a permanent pool of water. To be successful, wet ponds must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water) and must be able to support a healthy aquatic community so as to avoid creation of mosquito and other health and nuisance problems.

### **ARTICLE 3 STORMWATER MANAGEMENT REQUIREMENTS**

#### **SECTION 301. GENERAL REQUIREMENTS**

- A. All Regulated Activities in the municipality shall be subject to the stormwater management requirements of this Ordinance.

- B. Storm drainage systems shall be provided to permit unobstructed flow in natural watercourses except as modified by stormwater detention facilities, recharge facilities, water quality facilities, pipe systems or open channels consistent with this Ordinance.
- C. The existing locations of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
- D. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge to the point of pre-development flow concentration, to the stream reach or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.
- E. Where a site is traversed by watercourses other than those for which a 100-year floodplain is defined by the municipality, there shall be provided drainage easements conforming substantially with the line of such watercourses. The width of any easement shall be adequate to provide for unobstructed flow of storm runoff based on calculations made in conformance with Section 307 for the 100-year return period runoff and to provide a freeboard allowance of one-half (0.5) foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required. Watercourses for which the 100-year floodplain is formally defined are subject to the applicable municipal floodplain regulations.
- F. When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation.
- G. Post construction BMPs shall be designed, installed, operated and maintained to meet the requirements of the Clean Streams Law and implementing regulations, including the established practices in 25 Pa. Code Chapter 102 and the specifications of this Ordinance as to prevent accelerated erosion in watercourse channels and at all points of discharge.
- H. No Earth Disturbance Activities associated with any Regulated Activities shall commence until approval by the municipality of a plan which demonstrates compliance with the requirements of this Ordinance.

- I. Techniques described in Appendix F (Low Impact Development) of this Ordinance are encouraged because they reduce the costs of complying with the requirements of this Ordinance and the State Water Quality Requirements.
- J. Infiltration for stormwater management is encouraged where soils and geology permit, consistent with the provisions of this Ordinance and, where appropriate, the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D.

### **SECTION 302. PERMIT REQUIREMENTS BY OTHER GOVERNMENT ENTITIES**

- A. The following permit requirements apply to certain Regulated and Earth Disturbance Activities and must be met prior to commencement of Regulated and Earth Disturbance activities, as applicable:
  - 1. All Regulated and Earth Disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
  - 2. Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 102 and Chapter 105.
  - 3. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
  - 4. Any stormwater management facility that would be located on a State highway right-of-way or require access from a State highway shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
  - 5. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

### **SECTION 303. EROSION AND SEDIMENT CONTROL DURING REGULATED EARTH DISTURBANCE ACTIVITIES**

- A. No Regulated Earth Disturbance Activities within the municipality shall commence until approval by the municipality of an Erosion and Sediment Control Plan for construction activities. Written approval by DEP or a delegated County Conservation District shall satisfy this requirement.
- B. An Erosion and Sediment Control Plan is required by DEP regulations for any Earth Disturbance Activity of 5,000 square feet or more under Pa. Code § 102.4(b).



- C. A DEP NPDES Stormwater Discharges Associated with Construction Activities Permit is required for Regulated Earth Disturbance Activities under Pa. Code Chapter 92.
- D. Evidence of any necessary permit(s) for Regulated Earth Disturbance Activities from the appropriate DEP regional office or County Conservation District must be provided to the municipality before the commencement of an Earth Disturbance Activity.
- E. A copy of the Erosion and Sediment Control Plan and any permit, as required by DEP regulations, shall be available at the project site at all times.

#### SECTION 304. POST CONSTRUCTION WATER QUALITY CRITERIA

- A. No Regulated Earth Disturbance Activities within the municipality shall commence until approval by the municipality of a Drainage Plan which demonstrates compliance with this Ordinance. This Ordinance provides standards to meet NPDES Permit requirements associated with construction activities and MS4 permit requirements.
- B. The Water Quality Volume (WQv) shall be captured and treated. The WQv shall be calculated two ways. First, WQv shall be calculated using the following formula:

$$WQv = \frac{(c)(P)(A)}{12}$$

Where WQv = water quality volume in acre-feet  
 c = Rational Method post-development runoff  
 coefficient for the 2-year storm  
 P = 1.25 inches  
 A = Area in acres of proposed Regulated Activity

Second, the WQv shall be calculated as the difference in runoff volume from pre-development to post-development for the 2-year return period storm. The effect of closed depressions on the site shall be considered in this calculation. The larger of these two calculated volumes shall be used as the WQv to be captured and treated, except that in no case shall the WQv be permitted to exceed 1.25-inches of runoff over the site area. This standard does not limit the volume of infiltration an applicant may propose for purposes of water quantity/peak rate control.

- C. The WQv shall be calculated for each post-development drainage direction on a site for sizing BMPs. Site areas having no impervious cover and no proposed disturbance during development may be excluded from the WQv calculations and do not require treatment.
- D. If an applicant is proposing to use a dry extended detention basin, wet pond, constructed wetland or other BMP that ponds water on the land surface and may

receive direct sunlight, the discharge from that BMP must be treated by infiltration, a vegetated buffer, filter strip, bioretention, vegetated swale or other BMP that provides a thermal benefit to protect the High Quality waters of the [Watershed Name] from thermal impacts.

- E. The WQv for a site as a result of the Regulated Activities must either be treated with infiltration or two acceptable BMPs such as those listed in Section 304.O., except for minor areas on the periphery of the site that cannot reasonably be drained to an infiltration facility or other BMP.
- F. Infiltration BMPs shall not be constructed on fill unless the applicant demonstrates that the fill is stable and otherwise meets the infiltration BMP standards of this Ordinance.
- G. The applicant shall document the bedrock type(s) present on the site from published sources. Any apparent boundaries between carbonate and non-carbonate bedrock shall be verified through more detailed site evaluations by a qualified geotechnical professional.
- H. For each proposed Regulated Activity in the watershed where an applicant intends to use infiltration BMP's, the applicant shall conduct a Preliminary Site Investigation, including gathering data from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in Appendix G. This investigation will determine depth to bedrock, depth to the seasonal high water table, soil permeability and location of special geologic features, if applicable. This investigation may be done by a certified Sewage Enforcement Officer (SEO) except that the location(s) of special geologic features shall be verified by a qualified geotechnical professional.
- I. Sites where applicants intend to use infiltration BMPs must meet the following criteria:
  - Depth to bedrock below the invert of the BMP greater than or equal to 2 feet
  - Depth to seasonal high water table below the invert of the BMP greater than or equal to 3 feet; except for infiltration of residential roof runoff where the seasonal high water table must be below the invert of the BMP. (If the depth to bedrock is between 2 and 3 feet and the evidence of the seasonal high water table is not found in the soil, no further testing to locate the depth to seasonal high water table is required.)
  - Soil permeability (as measured by the adapted 25 PA Code § 73.15. percolation test in Appendix G) greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour
  - Setback distances or buffers as follows:
    - 100 feet from water supply wells
    - 15 feet downgradient or 100 feet upgradient from building foundations; except for residential development where the required

set back is 15 feet downgradient or 40 feet upgradient from building foundations.

- 50 feet from septic system drainfields; except for residential development where the required setback is 25 feet from septic system drainfields.
- 50 feet from a geologic contact with carbonate bedrock unless a Preliminary Site Investigation is done in the carbonate bedrock to show the absence of special geologic features within 50 feet of the proposed infiltration area.
- 100 feet from the property line unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met; except for one and two family residential dwellings where the required setback is 40 feet unless documentation is provided to show that all setbacks from existing or potential future wells, foundations and drainfields on neighboring properties will be met.

- J. For entirely non-carbonate sites, the Recharge Volume (REv) shall be infiltrated unless the applicant demonstrates that it is infeasible to infiltrate the REv for reasons of seasonal high water table, permeability rate, soil depth or setback distances; or except as provided in Section 304.U.

1. The REv shall be calculated as follows:

$$REv = (0.25) * (I)/12$$

Where REv = Recharge Volume in acre-feet

I = impervious area in acres

2. The Preliminary Site Investigation described in Section 304.H. is required and shall continue on different areas of the site until a potentially suitable infiltration location is found or the entire site is determined to be infeasible for infiltration. For infiltration areas that appear to be feasible based on the preliminary site investigation, the Additional Site Investigation and Testing as outlined in Appendix G shall be completed.
3. If an Applicant proposes infiltration, the municipality may determine infiltration to be infeasible if there are known existing conditions or problems that may be worsened by the use of infiltration.
4. The site must meet the conditions listed in Section 304.I.
5. If it is not feasible to infiltrate the full REv, the applicant shall infiltrate that portion of the REv that is feasible based on the site characteristics. If none of the REv can be infiltrated, REv shall be considered as part of the WQv and shall be captured and treated as described in Section 304.O.

6. If REv is infiltrated, it may be subtracted from the WQv required to be captured and treated.

- K. In entirely carbonate areas, where the applicant intends to use infiltration BMPs, the Preliminary Site Investigation described in Section 304.H. shall be conducted. For infiltration areas that appear feasible based on the Preliminary Site Investigation, the applicant shall conduct the Additional Site Investigation and Testing as outlined in Appendix G. The soil depth, percolation rate and proposed loading rate, each weighted as described in Section 307, along with the buffer from special geologic features shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D to determine if the site is recommended for infiltration. In addition to the recommendation from Appendix D, the conditions listed in Section 304.I. are required for infiltration in carbonate areas.

Applicants are encouraged to infiltrate the REv, as calculated in Section 304.J., but are not required to use infiltration BMPs on a carbonate site even if the site falls in the "Recommended" range on the chart in Appendix D. Any amount of volume infiltrated can be subtracted from the WQv to be treated by non-infiltration BMPs. If infiltration is not proposed, the full WQv shall be treated by two acceptable BMPs, as specified in Section 304.O.

- L. If a site has both carbonate and non-carbonate areas, the applicant shall investigate the ability of the non-carbonate portion of the site to fully meet this Ordinance to meet the requirements for REv for the whole site through infiltration. If that proves infeasible, infiltration in the carbonate area as described in Section 304.K. or 2 other non-infiltration BMPs as described in Section 304.O. must be used. No infiltration structure in the non-carbonate area shall be located within 50 feet of a boundary with carbonate bedrock, except when a Preliminary Site Investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration area.
- M. If infiltration BMPs are proposed in carbonate areas, the post-development 2-year runoff volume leaving the site shall be 80% or more of the pre-development runoff volume for the carbonate portion of the site to prevent infiltration of volumes far in excess of the pre-development infiltration volume.
- N. Site areas proposed for infiltration shall be protected from disturbance and compaction except as necessary for construction of infiltration BMPs.
- O. If infiltration of the entire WQv is not proposed, the remainder of the WQv shall be treated by two acceptable BMPs in series for each discharge location. Sheet flow draining across a pervious area can be considered as one BMP. Sheet flow across impervious areas and concentrated flow shall flow through two BMPs. If sheet flow from an impervious area is to be drained across a pervious area as one BMP, the length of the pervious area must be equal to or greater than the length of impervious area. In no case may the same BMP be employed consecutively to meet the requirement of this section. Acceptable BMPs are listed below along with the recommended reference for design.

Best Management Practice	Design Reference Number <sup>c</sup>
Bioretention <sup>a</sup>	4, 5, 11, 16
Capture/Reuse <sup>b</sup>	4, 14
Constructed Wetlands	4, 5, 8, 10, 16
Dry Extended Detention Ponds	4, 5, 8, 12, 18
Minimum Disturbance/ Minimum Maintenance Practices	1, 9
Significant Reduction of Existing Impervious Cover	N/A
Stormwater Filters <sup>a</sup> (Sand, Peat, Compost, etc.)	4, 5, 10, 16
Vegetated Buffers/Filter Strips	2, 3, 5, 11, 16, 17
Vegetated Roofs	4, 13
Vegetated Swales <sup>a</sup>	2, 3, 5, 11, 16, 17
Water Quality Inlets <sup>d</sup>	4, 7, 15, 16, 19
Wet Detention Ponds	4, 5, 6, 8

<sup>a</sup> This BMP could be designed with or without an infiltration component. If infiltration is proposed, the site and BMP will be subject to the testing and other infiltration requirements in this Ordinance.

<sup>b</sup> If this BMP is used to treat the entire WQv then it is the only BMP required because of this BMP's superior water quality performance.

<sup>c</sup> See table below.

<sup>d</sup> Water Quality Inlets include such BMPs as Oil/Water Separators, Sediment Traps/Catch Basin Sumps, and Trash/Debris Collectors in Catch Basins.

Number	Design Reference Title
1	"Conservation Design For Stormwater Management – A Design Approach to Reduce Stormwater Impacts From Land Development and Achieve Multiple Objectives Related to Land Use", Delaware Department of Natural Resources and Environmental Control, The Environmental Management Center of the Brandywine Conservancy, September 1997
2	"A Current Assessment of Urban Best Management Practices: Techniques for Reducing Nonpoint Source Pollution in the Coastal Zone", Schueler, T. R., Kumble, P. and Heraty, M., Metropolitan Washington Council of Governments, 1992.
3	"Design of Roadside Channels with Flexible Linings", Federal Highway Administration, Chen, Y. H. and Cotton, G. K., Hydraulic Engineering Circular 15, FHWA-IP-87-7, McLean Virginia, 1988.
4	"Draft Stormwater Best Management Practices Manual", Pennsylvania Department of Environmental Protection, January 2005.
5	"Evaluation and Management of Highway Runoff Water Quality", Federal Highway Administration, FHWA-PD-96-032, Washington, D.C., 1996.
6	"Evaporation Maps of the United States", U.S. Weather Bureau (now NOAA/National Weather Service) Technical Paper 37, Published by Department of Commerce, Washington D.C., 1959.
7	"Georgia Stormwater Manual", AMEC Earth and Environmental, Center for Watershed Protection, Debo and Associates, Jordan Jones and Goulding, Atlanta Regional Commission, Atlanta, Georgia, 2001.
8	"Hydraulic Design of Highway Culverts", Federal Highway Administration, FHWA HDS 5, Washington, D.C., 1985 (revised May 2005).
9	"Low Impact Development Design Strategies <i>An Integrated Design Approach</i> ", Prince Georges County, Maryland Department of Environmental Resources, June 1999.

Number	Design Reference Title
10	"Maryland Stormwater Design Manual", Maryland Department of the Environment, Baltimore, Maryland, 2000.
11	"Pennsylvania Handbook of Best Management Practices for Developing Areas", Pennsylvania Department of Environmental Protection, 1998.
12	"Recommended Procedures for Act 167 Drainage Plan Design", LVPC, Revised 1997.
13	"Roof Gardens History, Design, and Construction", Osmundson, Theodore. New York: W.W. Norton & Company, 1999.
14	"The Texas Manual on Rainwater Harvesting", Texas Water Development Board, Austin, Texas, Third Edition, 2005.
15	"VDOT Manual of Practice for Stormwater Management", Virginia Transportation Research Council, Charlottesville, Virginia, 2004.
16	"Virginia Stormwater Management Handbook", Virginia Department of Conservation and Recreation, Richmond, Virginia, 1999.
17	"Water Resources Engineering", Mays, L. W., John Wiley & Sons, Inc., 2005.
18	"Urban Hydrology for Small Watersheds", Technical Report 55, US Department of Agriculture, Natural Resources Conservation Service, 1986.
19	US EPA, Region 1 New England web site (as of August 2005) <a href="http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/html">http://www.epa.gov/NE/assistance/ceitts/stormwater/techs/html</a> .

- P. Stormwater runoff from Hot Spot land uses shall be pre-treated. In no case, may the same BMP be employed consecutively to meet this requirement and the requirement in Section 304.O. Acceptable methods of pre-treatment are listed below.

Hot Spot Land Use	Pre-treatment Method(s)
Vehicle Maintenance and Repair Facilities including Auto Parts Stores	-Water Quality Inlets -Use of Drip Pans and/or Dry Sweep Material Under Vehicles/Equipment -Use of Absorbent Devices to Reduce Liquid Releases --Spill Prevention and Response Program
Vehicle Fueling Stations	-Water Quality Inlets -Spill Prevention and Response Program
Storage Areas for Public Works	-Water Quality Inlets -Use of Drip Pans and/or Dry Sweep Material Under Vehicles/Equipment -Use of Absorbent Devices to Reduce Liquid Releases -Spill Prevention and Response Program -Diversion of Stormwater away from Potential Contamination Areas
Outdoor Storage of Liquids	-Spill Prevention and Response Program
Commercial Nursery Operations	-Vegetated Swales/Filter Strips -Constructed Wetlands -Stormwater Collection and Reuse
Salvage Yards and Recycling Facilities*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit

Hot Spot Land Use	Pre-treatment Method(s)
Fleet Storage Yards and Vehicle Cleaning Facilities*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Facilities that Store or Generate Regulated Substances*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Marinas*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit
Certain Industrial Uses (listed under NPDES)*	-BMPs that are a part of a Stormwater Pollution Prevention Plan under an NPDES Permit

\*Regulated under the NPDES Stormwater Program

Design references for the pre-treatment methods, as necessary, are listed below. If the applicant can demonstrate to the satisfaction of the municipality that the proposed land use is not a Hot Spot, then the pre-treatment requirement would not apply.

Pre-treatment Method	Design Reference <sup>A</sup>
Constructed Wetlands	4, 5, 8, 10, 16
Diversion of Stormwater Away from Potential Contamination Areas	4, 11
Stormwater Collection and Reuse (especially for irrigation)	4, 14
Stormwater Filters (Sand, Peat, Compost, etc.)	4, 5, 10, 16
Vegetated Swales	2, 3, 5, 11, 16, 17
Water Quality Inlets	4, 7, 15, 16, 19

<sup>A</sup>These numbers refer to the Design Reference Title Chart in Section 304.O. above.

- Q. The use of infiltration BMPs is prohibited on Hot Spot land use areas.
- R. Stormwater infiltration BMPs shall not be placed in or on a special geologic feature(s). Additionally, stormwater runoff shall not be discharged into existing on-site sinkholes.
- S. Applicants shall request, in writing, Public Water Suppliers to provide the Zone I Wellhead Protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection Wellhead Protection regulations, for any public water supply well within 400 feet of the site. In addition to the setback distances specified in Section 304.I., infiltration is prohibited in the Zone I radius as defined and substantiated by the Public Water Supplier in writing. If the applicant does not receive a response from the Public Water Supplier, the Zone I radius is assumed to be 100 feet.
- T. The volume and rate of the net increase in stormwater runoff from the Regulated Activities must be managed to prevent the physical degradation of receiving waters from such effects as scour and streambank destabilization, to satisfy State Water Quality Requirements, by controlling the 2-year post-development runoff to a 30% Release Rate.
- U. The municipality may, after consultation with DEP, approve alternative methods for meeting the State Water Quality Requirements other than those in this Section,

provided that they meet the minimum requirements of and do not conflict with State law including but not limited to the Clean Streams Law.

## **SECTION 305. STORMWATER MANAGEMENT DISTRICTS**

- A. Mapping of Stormwater Management Districts - To implement the provisions of the Jordan Creek Watershed Stormwater Management Plan, the municipality is hereby divided into Stormwater Management Districts consistent with the Jordan Creek Release Rate Map presented in the Plan Update. The boundaries of the Stormwater Management Districts are shown on an official map which is available for inspection at the municipal office. A copy of the official map at a reduced scale is included in Appendix A for general reference.
- B. Description of Stormwater Management Districts - Two types of Stormwater Management Districts may be applicable to the municipality, namely Conditional/Provisional No Detention Districts and Dual Release Rate Districts as described below.
  - 1. Conditional/Provisional No Detention Districts - Within these districts, the capacity of the "local" runoff conveyance facilities (as defined in Article 2) must be calculated to determine if adequate capacity exists. For this determination, the developer must calculate peak flows assuming that the site is developed as proposed and that the remainder of the local watershed is in the existing condition. The developer must also calculate peak flows assuming that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified by this Ordinance. The larger of the two peak flows calculated will be used in determining if adequate capacity exists. If adequate capacity exists to safely transport runoff from the site to the main channel (as defined in Article 2), these watershed areas may discharge post-development peak runoff without detention facilities. If the capacity calculations show that the "local" runoff conveyance facilities lack adequate capacity, the developer shall either use a 100% release rate control or provide increased capacity of downstream elements to convey increased peak flows consistent with Section 306.P. Any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvement consistent with the capacity criteria specified in Section 306.D. By definition, a storm drainage problem area associated with the "local" runoff conveyance facilities indicates that adequate capacity does not exist. Sites in these districts are still required to meet all of the water quality requirements in Section 304.
  - 2. Dual Release Rate Districts - Within these districts, the 2-year post-development peak discharge must be controlled to 30% of the pre-development 2-year runoff peak. Further, the 10-year, 25-year and 100-year post-development peak runoff must be controlled to the stated percentage of the pre-development peak. Release Rates associated with the 10- through 100-year events vary from 50% to 100% depending upon location in the watershed.



## **SECTION 306. STORMWATER MANAGEMENT DISTRICT IMPLEMENTATION PROVISIONS**

- A. Applicants shall provide a comparative pre- and post construction stormwater management hydrograph analysis for each direction of discharge and for the site overall to demonstrate compliance with the provisions of this Ordinance.
- B. Any stormwater management controls required by this Ordinance and subject to a dual release rate criteria shall meet the applicable release rate criteria for each of the 2-, 10-, 25- and 100-year return period runoff events consistent with the calculation methodology specified in Section 307.
- C. The exact location of the Stormwater Management District boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two-foot topographic contours provided as part of the Drainage Plan. The District boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (e.g. road, culvert, bridge, etc.). The physical feature is the downstream limit of the subarea and the subarea boundary is drawn from that point up slope to each topographic divide along the path perpendicular to the contour lines.
- D. Any downstream capacity analysis conducted in accordance with this Ordinance shall use the following criteria for determining adequacy for accepting increased peak flow rates:
  - 1. Natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-year return period event within their banks at velocities consistent with protection of the channels from erosion.
  - 2. Natural or man-made channels or swales must be able to convey the increased 25-year return period runoff without creating any hazard to persons or property.
  - 3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with DEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased 25-year return period runoff.
- E. For a proposed development site located within one release rate category subarea, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple directions of runoff discharge, individual drainage directions may be designed for up to a 100% release rate so long as the total runoff from the site is controlled to the applicable release rate.

- F. For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the pre-development peak discharge for that subarea multiplied by the applicable release rate. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea. An exception to the above may be granted if discharges from multiple subareas re-combine in proximity to the site. In this case, peak discharge in any direction may be a 100% release rate provided that the overall site discharge meets the weighted average release rate.
- G. For a proposed development site located partially within a release rate category subarea and partially within a Conditional/Provisional No Detention subarea, the size of the pre-development drainage area on a site may not be changed post-development to create potentially adverse conditions on downstream properties except as part of a "No Harm" or Hardship waiver procedure.
- H. No portion of a site may be regraded between the [Watershed Name] Watershed and any adjacent watershed except as part of a "No Harm" or Hardship Waiver procedure.
- I. Within a release rate category area, for a proposed development site which has areas which drain to a closed depression(s), the design release from the site will be the lesser of (a) the applicable release rate flow assuming no closed depression(s) or (b) the existing peak flow actually leaving the site. In cases where (b) would result in an unreasonably small design release, the design discharge of less than or equal to the release rate will be determined by the available downstream conveyance capacity to the main channel calculated using Section 306.D. and the minimum orifice criteria.
- J. Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site using the capacity criteria in Section 306.D. and the detention criteria in Section 307.
- K. For development sites proposed to take place in phases, all detention ponds shall be designed to meet the applicable release rate(s) applied to all site areas tributary to the proposed pond discharge direction. All site tributary areas will be assumed as developed, regardless of whether all site tributary acres are proposed for development at that time. An exception shall be sites with multiple detention ponds in series where only the downstream pond must be designed to the stated release rate.
- L. Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject to the release rate criteria. The impact area includes any proposed cover or grading changes.
- M. Development proposals which, through groundwater recharge or other means, do not increase either the rate or volume of runoff discharged from the site compared to pre-development are not subject to the release rate provisions of this Ordinance.

- N. "No Harm" Water Quantity Option - For any proposed development site not located in a Conditional/Provisional No Detention district, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that special circumstances exist for the proposed development site and that "no harm" would be caused by discharging at a higher runoff rate than that specified by the Plan. Special circumstances are defined as any hydrologic or hydraulic aspects of the development itself not specifically considered in the development of the Plan runoff control strategy. Proof of "no harm" would have to be shown from the development site through the remainder of the downstream drainage network to the confluence of the creek with the Delaware or Lehigh River. Proof of "no harm" must be shown using the capacity criteria specified in Section 306.D. if downstream capacity analysis is a part of the "no harm" justification.

Attempts to prove "no harm" based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:

1. The peak flow values to be used for downstream areas for the design return period storms (2-, 10-, 25- and 100-year) shall be the values from the calibrated PSRM Model for the [Watershed Name] or as calculated by an applicant using an alternate method acceptable to the municipality. The flow values from the PSRM Model would be supplied to the developer by the municipality upon request.
2. Any available capacity in the downstream conveyance system as documented by a developer may be used by the developer only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e. if his site is 10% of the upstream undeveloped acreage, he may use up to 10% of the documented downstream available capacity).
3. Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove "no harm", except in conjunction with proposed capacity improvements for the problem areas consistent with Section 306.P.

Any "no harm" justifications shall be submitted by the developer as part of the Drainage Plan submission per Article 4. Developers submitting "no harm" justifications must still meet all of the water quality requirements in Section 304.

- O. Regional Detention Alternatives - For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined based on the required release rate at the point of discharge.

- P. Capacity Improvements - In certain instances, primarily within the Conditional/Provisional No Detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Peak flow calculations shall be done assuming that the local watershed is in the existing condition and then assuming that the local watershed is developed per current zoning and using the specified runoff controls. Any capacity improvements would be designed using the larger of the above peak flows and the capacity criteria specified in Section 306.D. All new development in the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.

Capacity improvements may also be provided as necessary to implement any regional detention alternatives or to implement a modified "no harm" option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

#### SECTION 307. CALCULATION METHODOLOGY

- A. Stormwater runoff from all development sites shall be calculated using either the rational method or the soil-cover-complex methodology.
- B. Infiltration BMP loading rate percentages in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D shall be calculated as follows:

$$\left( \frac{\text{Area Tributary to infiltration BMP}}{\text{Base area of infiltration BMP}} \right) * 100\%$$

The area tributary to the infiltration BMP shall be weighted as follows:

All disturbed areas to be made impervious:	weight at 100%
All disturbed areas to be made pervious:	weight at 50%
All undisturbed pervious areas:	weight at 0%
All existing impervious areas:	weight at 100%

- C. Soil thickness is to be measured from the bottom of any proposed infiltration system. The effective soil thickness in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D is the measured soil thickness multiplied by the thickness factor based on soil permeability (as measured by the adapted 25 PA Code § 73.15. percolation test in Appendix G), as follows:

PERMEABILITY RANGE*	THICKNESS FACTOR
6.0 to 12.0 inches/hour	0.8
2.0 to 6.0 inches/hour	1.0
1.0 to 2.0 inches/hour	1.4
0.75 to 1.0 inches/hour	1.2
0.5 to 0.75 inches/hour	1.0

\*If the permeability rate (as measured by the adapted 25 PA Code § 73.15. percolation test in Appendix G) falls on a break between two thickness factors, the smaller thickness factor shall be used.

Sites with soil permeability greater than 12.0 in/hr or less than 0.5 in/hr, as measured by the adapted 25 PA Code § 73.15. percolation test in Appendix G, are not recommended for infiltration.

- D. The design of any detention basin intended to meet the requirements of this Ordinance shall be verified by routing the design storm hydrograph through the proposed basin using the storage indication method or other methodology demonstrated to be more appropriate. For basins designed using the Rational Method technique, the design hydrograph for routing shall be either the Universal Rational Hydrograph or the Modified Rational Method trapezoidal hydrograph which maximizes detention volume. Use of the Modified Rational hydrograph shall be consistent with the procedure described in Section "PIPE.RAT" of the Users' Manual for the Penn State Urban Hydrology Model (1987).
- E. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall be routed using the storage indication method.
- F. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall provide storage volume for the full WQv below the lowest outlet invert.
- G. Wet Detention Ponds designed to have a permanent pool for the WQv shall assume that the permanent pool volume below the primary outlet is full at the beginning of design event routing for the purposes of evaluating peak outflows.
- H. All stormwater detention facilities shall provide a minimum 1.0 foot freeboard above the maximum pool elevation associated with the 2- through 25-year runoff events. A 0.5 foot freeboard shall be provided above the maximum pool elevation of the 100-year runoff event. The freeboard shall be measured from the maximum pool elevation to the invert of the emergency spillway. The 2- through 100-year storm events shall be controlled by the primary outlet structure. An emergency spillway for each basin shall be designed to pass the 100-year return frequency storm peak basin inflow rate with a minimum 0.5 foot freeboard measured to the top of basin. The freeboard criteria shall be met considering any offsite areas tributary to the basin as developed, as applicable. If this detention facility is considered to be a dam as per DEP Chapter 105, the design of the facility must be consistent with the Chapter 105 regulations, and may be required to pass a storm greater than the 100-year event.
- I. The minimum circular orifice diameter for controlling discharge rates from detention facilities shall be three (3) inches. Designs where a lesser size orifice would be

required to fully meet release rates shall be acceptable with a 3-inch orifice provided that as much of the site runoff as practical is directed to the detention facilities. The minimum 3 inch diameter does not apply to the control of the WQv.

- J. Runoff calculations using the soil-cover-complex method shall use the Natural Resources Conservation Service Type II 24-hour rainfall distribution. The 24-hour rainfall depths for the various return periods to be used consistent with this Ordinance may be taken from NOAA Atlas 14, Volume 2 Version 2.1, 2004 or the PennDOT Intensity - Duration - Frequency Field Manual ("PDT-IDF") (May 1986) for Region 4. The following values are taken from the PDT-IDF Field Manual:

<u>Return Period</u>	<u>24-Hour Rainfall Depth</u>
1-year	2.40 inches
2-year	3.00 inches
5-year	3.60 inches
10-year	4.56 inches
25-year	5.52 inches
50-year	6.48 inches
100-year	7.44 inches

A graphical and tabular presentation of the Type II-24 hour distribution is included in Appendix C.

- K. Runoff calculations using the Rational Method shall use rainfall intensities consistent with appropriate times of concentration and return periods and NOAA Atlas 14, Volume 2 Version 2.1, 2004 or the Intensity-Duration-Frequency Curves as presented in Appendix C.
- L. Runoff Curve Numbers (CN's) to be used in the soil-cover-complex method shall be based upon the matrix presented in Appendix C.
- M. Runoff coefficients for use in the Rational Method shall be based upon the table presented in Appendix C.
- N. All time of concentration calculations shall use a segmental approach which may include one or all of the flow types below:
1. Sheet Flow (overland flow) calculations shall use either the NRCS average velocity chart (Figure 3-1, Technical Release-55, 1975) or the modified kinematic wave travel time equation (equation 3-3, NRCS TR-55, June 1986). If using the modified kinematic wave travel time equation, the sheet flow length shall be limited to 50 feet for designs using the Rational Method and limited to 150 feet for designs using the Soil-Cover-Complex method.
  2. Shallow Concentrated Flow travel times shall be determined from the watercourse slope, type of surface and the velocity from Figure 3-1 of TR-55, June 1986.

3. Open Channel Flow travel times shall be determined from velocities calculated by the Manning Equation. Bankfull flows shall be used for determining velocities. Manning 'n' values shall be based on the table presented in Appendix C.
  4. Pipe Flow travel times shall be determined from velocities calculated using the Manning Equation assuming full flow and the Manning 'n' values from Appendix C.
- O. If using the Rational Method, all pre-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. If using the Rational Method, all post-development calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.
- P. The Manning Equation shall be used to calculate the capacity of watercourses. Manning 'n' values used in the calculations shall be consistent with the table presented in Appendix C or other appropriate standard engineering 'n' value resources. Pipe capacities shall be determined by methods acceptable to the municipality.
- Q. The Pennsylvania DEP, Chapter 105, Rules and Regulations, apply to the construction, modification, operation or maintenance of both existing and proposed dams, water obstructions and encroachments throughout the watershed. Criteria for design and construction of stormwater management facilities according to this Ordinance may differ from the criteria that are used in the permitting of dams under the Dam Safety Program.

## **ARTICLE 4 DRAINAGE PLAN REQUIREMENTS**

### **SECTION 401. GENERAL REQUIREMENTS**

For any of the Regulated Activities of this Ordinance, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any Regulated Earth Disturbance Activity, the owner, subdivider, developer or his agent shall submit a Drainage Plan and receive municipal approval of the Plan.

### **SECTION 402. EXEMPTIONS**

Exemptions from the Drainage Plan Requirements are as specified in Section 106.

## **SECTION 403. DRAINAGE PLAN CONTENTS**

The following items shall be included in the Drainage Plan:

### **A. General**

1. General description of project.
2. General description of proposed permanent stormwater controls.
3. The name and address of the project site, the name and address of the owner of the property and the name of the individual or firm preparing the Drainage Plan.

### **B. Map(s) of the Project Area Showing:**

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used. Off-site drainage areas impacting the project including topographic detail.
3. Streams, lakes, ponds or other bodies of water within the project area.
4. Other features including flood hazard boundaries, existing drainage swales, wetlands, closed depressions, sinkholes and areas of natural vegetation to be preserved.
5. Locations of proposed underground utilities, sewers and water lines. The locations of all existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines of the project site.
6. An overlay showing soil types and boundaries based on the Lehigh or Northampton County Soil Survey, as applicable, latest edition. Any hydric soils present on the site should be identified as such.
7. An overlay showing geologic types, boundaries and any special geologic features present on the site.
8. Proposed changes to land surface and vegetative cover.
9. Proposed structures, roads, paved areas and buildings.
10. Final contours at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
11. Stormwater Management District boundaries applicable to the site.



12. Clear identification of the location and nature of permanent stormwater BMPs.
13. An adequate access easement around all stormwater BMPs that would provide municipal ingress to and egress from a public right-of-way.
14. A schematic showing all tributaries contributing flow to the site and all existing man-made features beyond the property boundary that would be affected by the project.
15. The location of all public water supply wells within 400 feet of the project and all private water supply wells within 100 feet of the project.

C. Stormwater Management Controls and BMPs

1. All stormwater management controls and BMPs shall be shown on a map and described, including:
  - a. Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells shall be shown.
  - b. Other control devices or methods such as roof-top storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
2. All calculations, assumptions and criteria used in the design of the BMPs shall be shown.
3. All site testing data used to determine the feasibility of infiltration on a site.
4. All details and specifications for the construction of the stormwater management controls and BMPs.

D. The BMP Operations and Management Plan, as required in Article 7, describing how each permanent stormwater BMP will be operated and maintained and the identity of the person(s) responsible for operations and maintenance. A statement must be included, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the municipality.

E. An Environmental Resources Site Design Assessment that describes the following:

1. The extent to which the proposed grading and impervious cover avoid disturbance of significant environmental resources and preserve existing site hydrology.
2. An assessment of whether alternative grading and impervious cover site design could lessen the disturbance of significant environmental resources and/or make better use of the site hydrologic resources.

3. A description of how the proposed stormwater management controls and BMPs serve to mitigate any adverse impacts on environmental resources on the site.

Significant environmental resources considered in the site design assessment include, but are not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, floodplains, riparian vegetation, native vegetation and special geologic features.

#### **SECTION 404. PLAN SUBMISSION**

- A. For Regulated Activities specified in Sections 105.A. and 105.B.:
  1. The Drainage Plan shall be submitted by the developer to the municipal secretary (or other appropriate person) as part of the Preliminary Plan submission for the subdivision or land development.
  2. Four (4) copies of the Drainage Plan shall be submitted.
  3. Distribution of the Drainage Plan will be as follows:
    - a. One (1) copy to the municipal governing body.
    - b. One (1) copy to the municipal engineer.
    - c. Two (2) copies to the Lehigh Valley Planning Commission, except for Drainage Plans involving less than 10,000 square feet of additional impervious cover.
  4. Drainage Plans involving more than 10,000 square feet of additional impervious cover shall be submitted by the developer (possibly through the municipality) to the Lehigh Valley Planning Commission as part of the Preliminary Plan submission. The Lehigh Valley Planning Commission will conduct an advisory review of the Drainage Plan for consistency with the [Watershed Name] Watershed Stormwater Management Plan. The LVPC will not review details of the Erosion and Sedimentation Plan or the BMP Operations and Maintenance Plan.
    - a. Two (2) copies of the Drainage Plan shall be submitted.
    - b. The LVPC will provide written comments to the developer and the municipality, within a time frame consistent with established procedures under the Municipalities Planning Code, as to whether the Drainage Plan has been found to be consistent with the Stormwater Management Plan.
- B. For Regulated Activities specified in Sections 105.C. and 105.D., the Drainage Plan shall be submitted by the developer to the municipal building permit officer as part of the building permit application.

- C. For Regulated Activities specified in Sections 105.E., 105.F. and 105.G.:
  - 1. The Drainage Plan shall be submitted by the developer to the Lehigh Valley Planning Commission for coordination with the DEP permit application process under Chapter 105 (Dam Safety and Waterway Management), Chapter 106 (Flood Plain Management) of DEP's Rules and Regulations and the NPDES regulations.
  - 2. One (1) copy of the Drainage Plan shall be submitted.
- D. Earthmoving for all regulated activities under Section 105 shall be conducted in accordance with the current federal and State regulations relative to the NPDES and DEP Chapter 102 regulations.

#### **SECTION 405. DRAINAGE PLAN REVIEW**

- A. The municipality shall review the Drainage Plan, including the BMP Operations and Maintenance Plan, for consistency with the adopted [Watershed Name] Watershed Stormwater Management Plan as embodied by this Ordinance and with any permits issued by DEP. The municipality shall also review the Drainage Plan against any additional storm drainage provisions contained in the municipal subdivision and land development or zoning ordinance, as applicable.
- B. The municipality shall notify the applicant in writing whether the Drainage Plan, including the BMP Operations and Maintenance Plan, is approved.
- C. The municipality shall not approve any subdivision or land development (Regulated Activities 105.A. and 105.B.) or building permit application (Regulated Activities 105.C. and 105.D.) if the Drainage Plan has been found to be inconsistent with the Stormwater Management Plan.
- D. The municipality may require an "As-Built Survey" of all stormwater BMPs and an explanation of any discrepancies with the Drainage Plan.

#### **SECTION 406. MODIFICATION OF PLANS**

A modification to a submitted Drainage Plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the Drainage Plan (as determined by the municipality) shall require a resubmission of the modified Drainage Plan consistent with Section 404 subject to review per Section 405 of this Ordinance.

#### **SECTION 407. HARDSHIP WAIVER PROCEDURE**

The municipality may hear requests for waivers where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by the requisite fee based upon a fee schedule adopted by the municipality. A copy of the waiver request shall be provided to each of the following:

municipality, municipal engineer, municipal solicitor and Lehigh Valley Planning Commission. The request shall fully document the nature of the alleged hardship.

The municipality may grant a waiver provided that all of the following findings are made in a given case:

1. That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the Stormwater Management District in which the property is located;
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance, including the "no harm" provisions, and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the applicant;
4. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue; and
5. That financial hardship is not the criteria for granting of a hardship waiver.

In granting any waiver, the municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. If a Hardship Waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.

- A. For regulated activities described in Section 105.A. and B., the Board of Supervisors shall hear requests for and decide on hardship waiver requests on behalf of the municipality.
- B. For regulated activities in Section 105.C., D., E., F. and G. the Zoning Hearing Board shall hear requests for and decide on hardship waiver requests on behalf of the municipality.
- C. The municipality shall not waive the water quality provisions of this Ordinance.

## **ARTICLE 5 INSPECTIONS**

### **SECTION 501. SCHEDULE OF INSPECTIONS**

- A. DEP or its designees (e.g. County Conservation District) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
- B. During any stage of the Regulated Earth Disturbance Activities, if the municipality or its designee determines that any BMPs are not being implemented in accordance with this Ordinance, the municipality may suspend or revoke any existing permits issued

by the municipality or other approvals issued by the municipality until the deficiencies are corrected.

## **ARTICLE 6 FEES AND EXPENSES**

### **SECTION 601. GENERAL**

The municipality may charge a reasonable fee for review of the Drainage Plan, including the BMP Operations and Maintenance Plan, to defray review costs incurred by the municipality. The applicant shall pay all such fees.

### **SECTION 602. EXPENSES COVERED BY FEES**

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

- A. The review of the Drainage Plan, including the BMP Operations and Maintenance Plan, by the municipality.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.
- D. The final inspection upon completion of the controls and improvements required in the plan.
- E. Any additional work required to monitor and enforce any permit provisions, regulated by this Ordinance, correct violations, and assure the completion of stipulated remedial actions.
- E. Administrative and clerical costs.

## **ARTICLE 7 STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN REQUIREMENTS**

### **SECTION 701. GENERAL REQUIREMENTS**

- A. No Regulated Earth Disturbance Activities within the municipality shall commence until approval by the municipality of the BMP Operations and Maintenance Plan which describes how the permanent (e.g. post construction) stormwater BMPs will be properly operated and maintained.

### **SECTION 702. RESPONSIBILITIES FOR OPERATIONS AND MAINTENANCE OF BMPS**

- A. The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:

1. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the municipality, stormwater BMPs may also be dedicated to and maintained by the municipality;
  2. If a Plan includes operations and maintenance by a single owner or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.
- B. The municipality shall make the final determination on the continuing operations and maintenance responsibilities. The municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

#### **SECTION 703. ADHERENCE TO APPROVED BMP OPERATIONS AND MAINTENANCE PLAN**

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan unless an exception is granted in writing by the municipality.

#### **SECTION 704. OPERATIONS AND MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STORMWATER BMPs**

- A. The property owner shall sign an operations and maintenance agreement with the municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix E of this Ordinance.
- B. Other items may be included in the agreement where determined by the municipality to be reasonable or necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the municipality.

#### **SECTION 705. STORMWATER MANAGEMENT EASEMENTS**

Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or for preservation of stormwater conveyance, infiltration, detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 704.

#### **SECTION 706. RECORDING OF APPROVED BMP OPERATIONS AND MAINTENANCE PLAN AND RELATED AGREEMENTS**

- A. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Lehigh or

Northampton County, as applicable, within 90 days of approval of the BMP Operations and Maintenance Plan by the municipality:

1. The Operations and Maintenance Plan or a summary thereof
  2. Operations and Maintenance Agreements under Section 704
  3. Easements under Section 705
- B. The municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

#### **SECTION 707. MUNICIPAL STORMWATER BMP OPERATIONS AND MAINTENANCE FUND**

- A. If stormwater BMPs are accepted by the municipality for dedication, the municipality may require the applicant to pay a specified amount to the Municipal Stormwater BMP Operations and Maintenance Fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:
1. If the BMP is to be owned and maintained by the municipality, the amount shall cover the estimated costs for operation and maintenance in perpetuity, as determined by the municipality.
  2. The amount shall then be converted to present worth of the annual series values.
- B. If a BMP is proposed that also serves as a recreation facility (e.g. ball field, lake), the municipality may adjust the amount due accordingly.

#### **ARTICLE 8 PROHIBITIONS**

#### **SECTION 801. PROHIBITED DISCHARGES**

- A. No person in the municipality shall allow or cause to allow stormwater discharges into the municipality's separate storm sewer system which are not composed entirely of stormwater except as provided in subsection B below or as allowed under a State or Federal permit.
- B. Discharges that may be allowed based on the municipality finding that the discharge(s) do not significantly contribute pollution to surface waters of the Commonwealth are listed below.
1. Discharges from fire fighting activities
  2. Potable water sources including dechlorinated water line and fire hydrant flushings
  3. Irrigation drainage
  4. Routine external building washdown which does not use detergents or other compounds

5. Air conditioning condensate
  6. Water from individual residential car washing
  7. Springs
  8. Water from crawl space pumps
  9. Uncontaminated water from foundation or footing drains
  10. Flows from riparian habitats and wetlands
  11. Lawn watering
  12. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
  13. Dechlorinated swimming pool discharges
  14. Uncontaminated groundwater
- C. In the event that the municipality determines that any of the discharges identified in Section 801.B. significantly contribute to pollution of waters of the Commonwealth or is so notified by DEP, the municipality will notify the responsible person to cease the discharge.
  - D. Upon notice provided by the municipality under Section 801.C., the discharger will have a reasonable time, as determined by the municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
  - E. Nothing in this Section shall affect a discharger's responsibilities under state law.

## **SECTION 802. PROHIBITED CONNECTIONS**

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



### **SECTION 803. ROOF DRAINS**

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Section 803.B.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the municipality.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

### **SECTION 804. ALTERATION OF BMPS**

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

## **ARTICLE 9 RIGHT OF ENTRY, NOTIFICATION AND ENFORCEMENT**

### **SECTION 901. RIGHT OF ENTRY**

- A. Upon presentation of proper credentials and with the consent of the land owner, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition or operation and maintenance of the stormwater BMPs or to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.
- B. In the event that the land owner refuses admission to the property, duly authorized representatives of the municipality may seek an administrative search warrant issued by a district justice to gain access to the property.

### **SECTION 902. NOTIFICATION**

- A. Whenever the municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:
  - 1. The name of the owner of record and any other person against whom the municipality intends to take action
  - 2. The location of the property in violation
  - 3. The performance of monitoring, analyses and reporting

4. The elimination of prohibited connections or discharges
  5. Cessation of any violating discharges, practices or operations
  6. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property
  7. Payment of a fine to cover administrative and remediation costs
  8. The implementation of stormwater BMPs
  9. Operation and maintenance of stormwater BMPs
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Said notice may further advise that should the violator fail to take the required action within the established deadline, the work will be done by the municipality or designee and the expense thereof, together with all related lien and enforcement fees, charges and expenses, shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the municipality from pursuing any and all other remedies available in law or equity.

### **SECTION 903. PUBLIC NUISANCE**

- A. The violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- B. Each day that an offense continues shall constitute a separate violation.

### **SECTION 904. SUSPENSION AND REVOCATION OF PERMITS AND APPROVALS**

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

3. Payment of all municipal fees, costs and expenses related to or arising from the violation has been made.
- C. A permit or approval which has been revoked by the municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

#### **SECTION 905. PENALTIES**

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorney's fees incurred by the municipality 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 district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to a separate violation, unless the 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 (5<sup>th</sup>) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The court of common pleas, upon petition, may grant an order of stay upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction in proceedings brought under this Section.
- E. In addition, the municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

#### **SECTION 906. APPEALS**

Any person aggrieved by any action of the municipality or its designee relevant to the provisions of this Ordinance may appeal using the appeal procedures established in the Pennsylvania Municipalities Planning Code.

SECTION 990. REPEALER

All ordinances and parts of ordinances inconsistent herewith be, and the same, are hereby repealed.

SECTION 1000. EFFECTIVE DATE

The provisions of this Ordinance shall become effective five (5) days following enactment of this Ordinance.

DULY ENACTED AND ORDAINED this 5 day of April, 2007, by the Board of Supervisors of the Township of Lowhill, Lehigh County, Pennsylvania, in lawful session and duly assembled.

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF LOWHILL

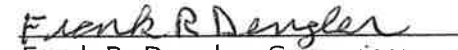
By:

  
Eugene R. Weiner, Chairman

By:

  
Richard B. Hughes,  
Vice Chairman

By:

  
Frank R. Dengler, Supervisor

ATTEST:

  
Lucille C. Hahn, Secretary, Lowhill Township

## **APPENDIX A**

### **A-1 Map of JORDAN CREEK Watershed**

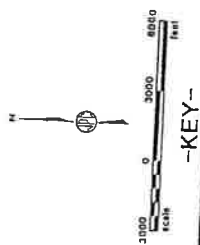
## **APPENDIX B**

### **B-1 Map of Storm Drainage Problem Areas**

### **B-2 Description of Storm Drainage Problem Areas**

FIGURE 4

JORDAN CREEK WATERSHED  
RELEASE RATE MAP



-KEY-



30%/100% Release Rate Areas  
Provisional No Detention Areas

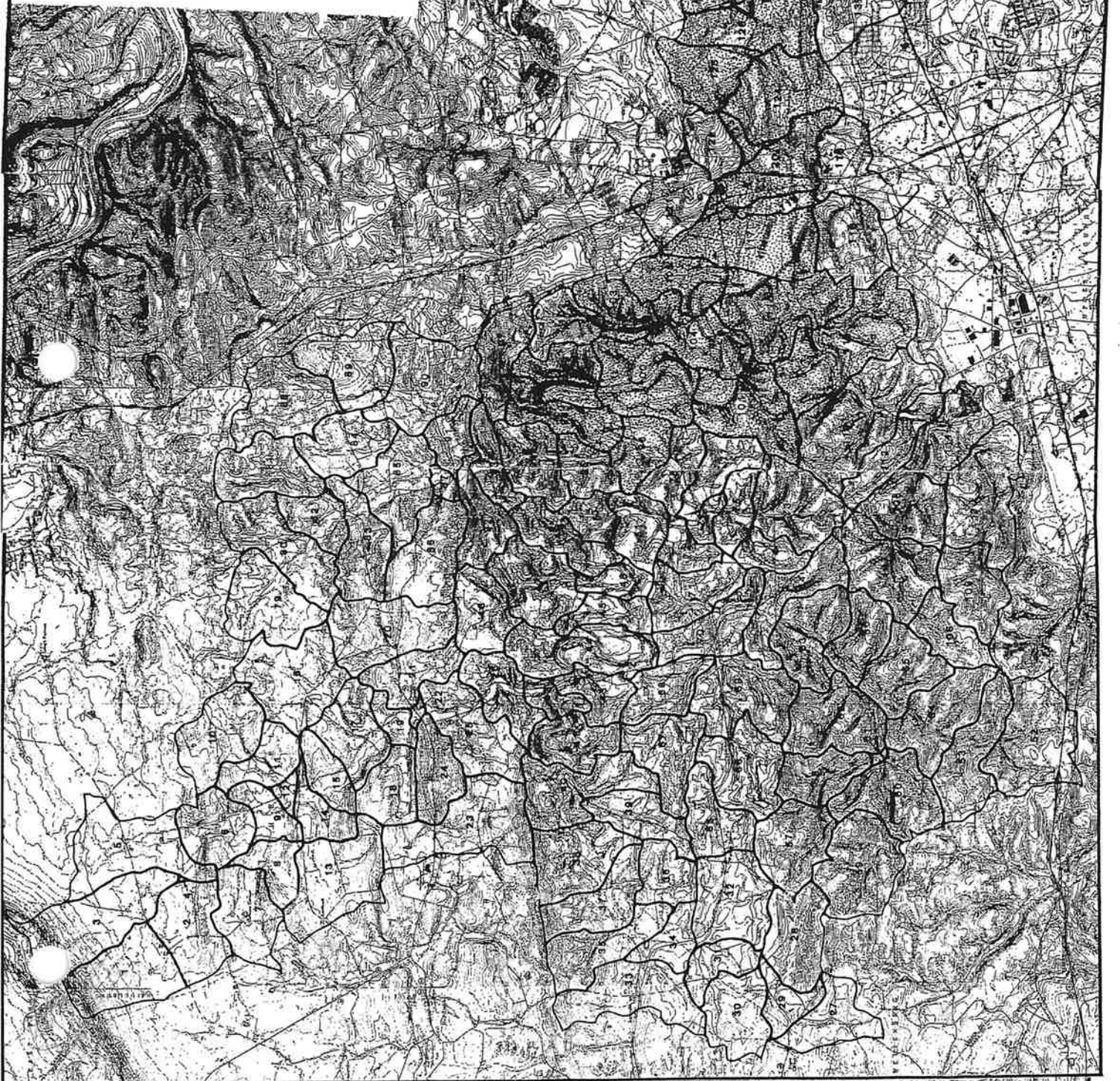
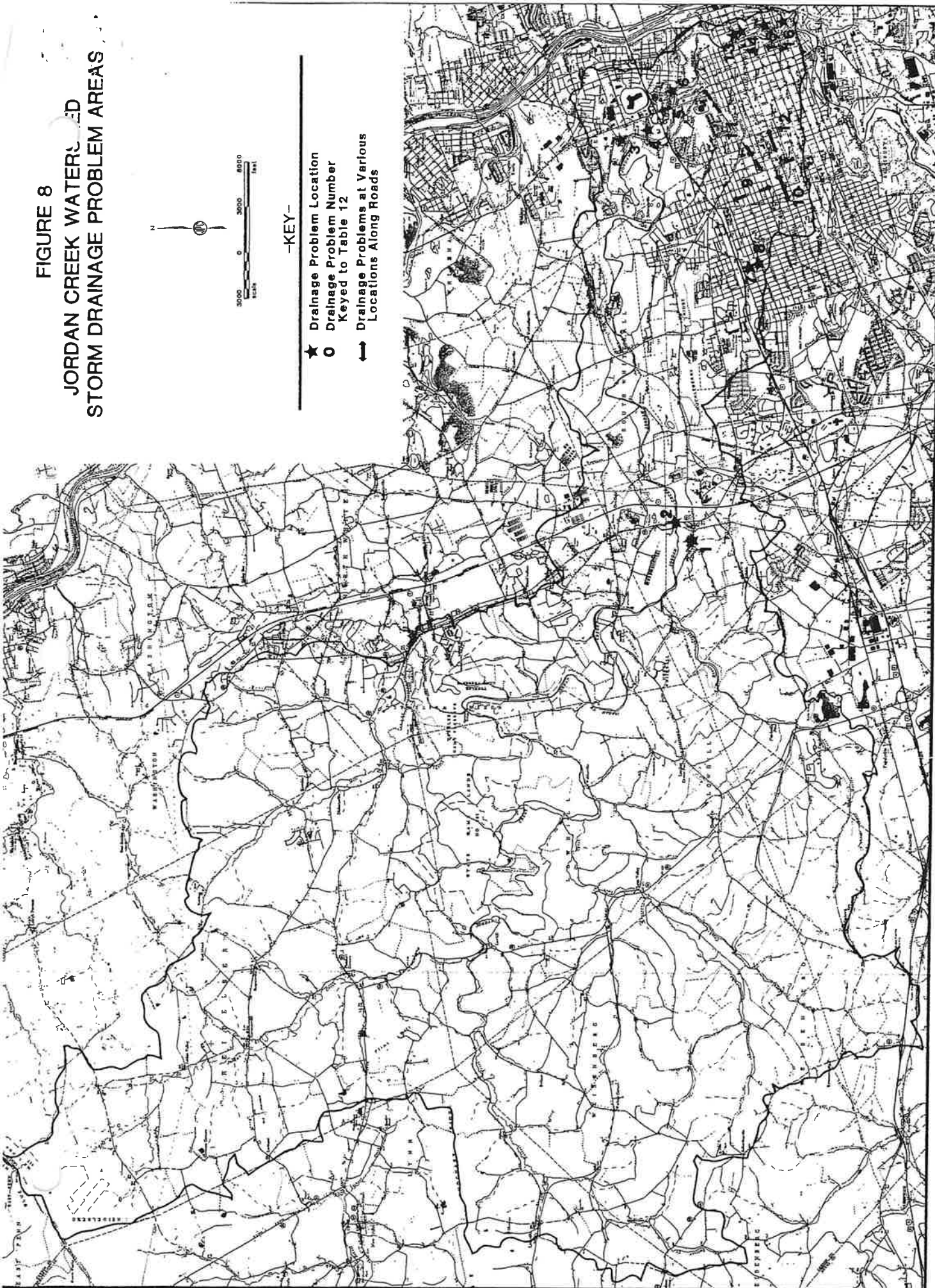




FIGURE 8

JORDAN CREEK WATERSHED  
STORM DRAINAGE PROBLEM AREAS





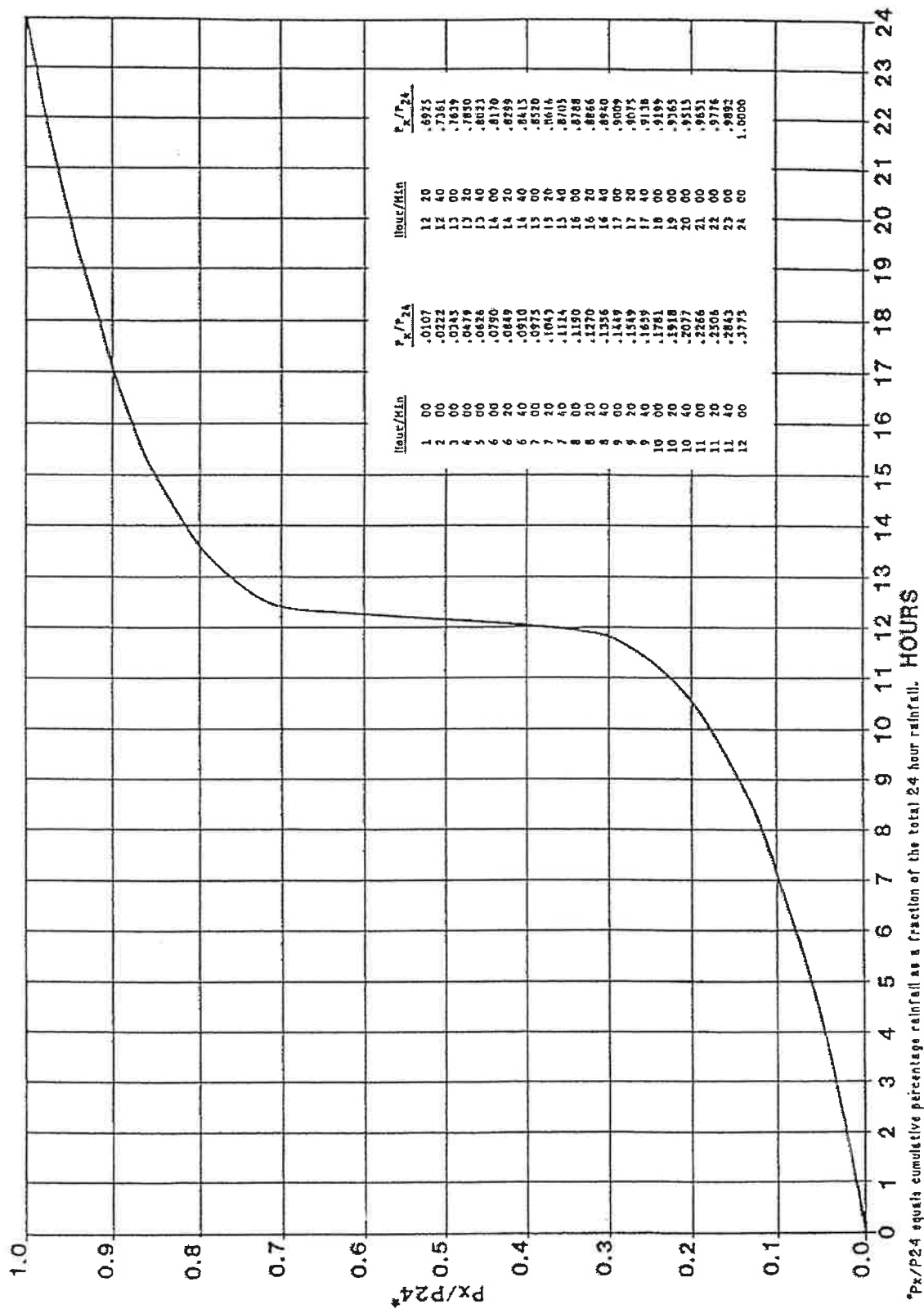
**TABLE 12**  
**JORDAN CREEK WATERSHED**  
**STORM DRAINAGE PROBLEM AREAS**

No.	Location	Municipality	Problem Description	Subarea No.	Reach No.	Proposed Solution
1	Main Street at Guthsville	South Whitehall	Street Flooding	117	115, 116	None proposed
2	Rt. 309 over Jordan Creek at Guthsville	South Whitehall	Street Flooding	120	119	None proposed
3	Helfrich Springs Apts.	Whitehall	Property Flooding	130	--	None proposed
4	Whitehall Estates Townhouses	Whitehall	Street and Property Flooding	131	--	None proposed
5	North 7th Street (between City Line and Rt. 22)	Whitehall	Street Flooding	131, 133, 143	--	None proposed
6	Park View Apts.	Whitehall	Property Flooding	143	136	None proposed
7	Pennsylvania Street (between 26th and 27th Streets)	South Whitehall	Street Flooding	139	--	Storm Sewers
8	26th and Highland Streets	Allentown	Street Flooding	139	--	Improve collection system (by South Whitehall Township)
9	19th Street (between Tilghman and Highland Streets)	Allentown	Street Flooding	140	--	Relief Line
10	Andrew Street (between 18th and 21st)	Allentown	Street Flooding, Undersized collection conduit	140	--	None proposed

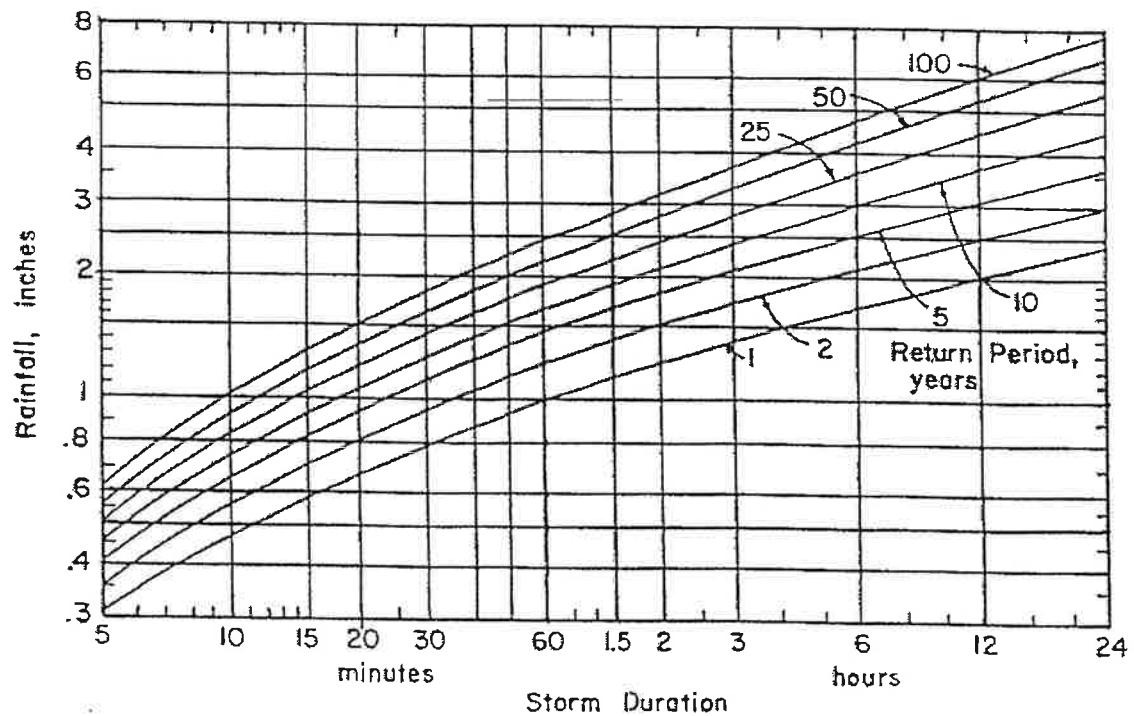
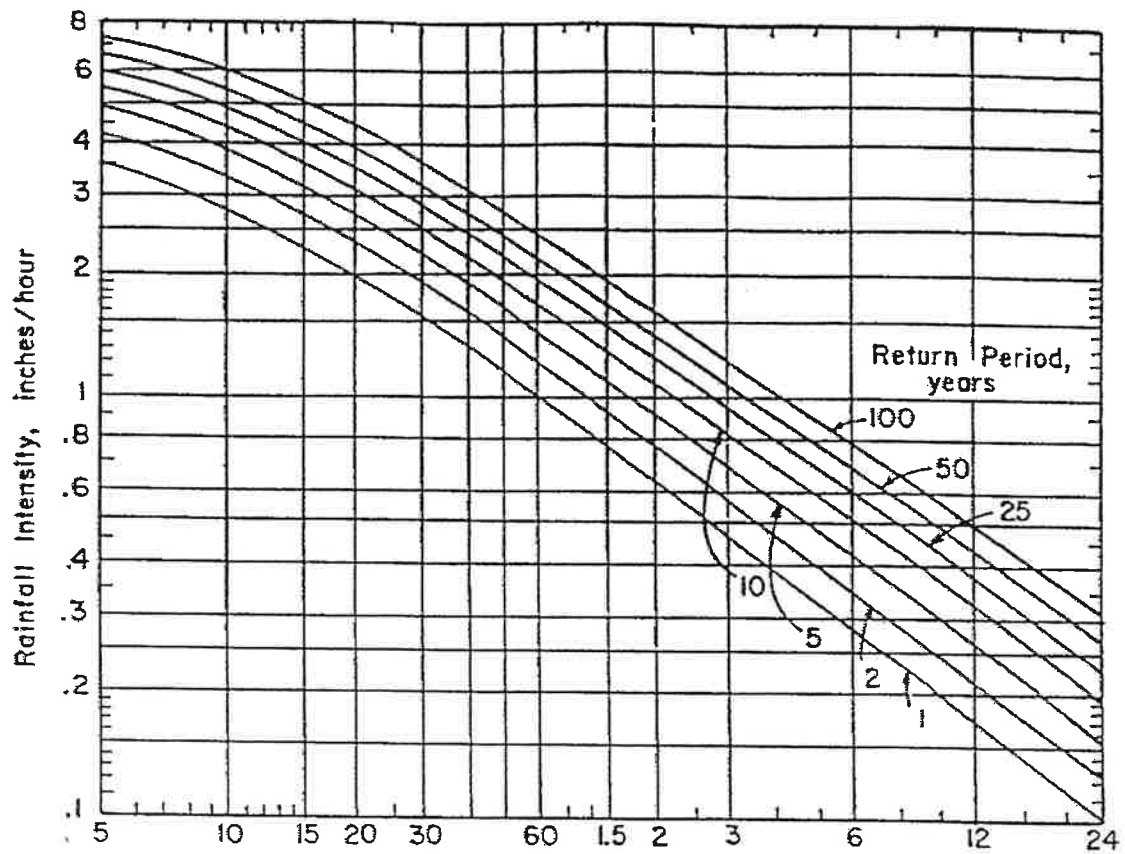
## **APPENDIX C**

- C-1 NRCS Type II 24-Hour Rainfall Distribution (Graphic & Tabular)**
- C-2 Intensity-Duration-Frequency Curves**
- C-3 Runoff Curve Numbers and Percent Imperviousness Values**
- C-4 Runoff Coefficients for the Rational Method**
- C-5 Manning 'n' Values**

# NRCS TYPE II RAINFALL DISTRIBUTION



# INTENSITY-DURATION-FREQUENCY CURVES\*



\*Source: Pennsylvania Dept. of Transp. Design Rainfall Curves (1986).

# RUNOFF CURVE NUMBERS AND PERCENT IMPERVIOUSNESS VALUES\*

Cover Description		Curve numbers for hydrologic soil group**			
Land Use/Cover Type	Average percent impervious area	A	B	C	D
Open space (lawns, parks, golf courses, cemeteries, etc.): Good condition (grass cover greater than 75%) .....		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way) .....		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way) .....		98	98	98	98
Paved; open ditches (including right-of-way) .....		83	89	92	93
Gravel (including right-of-way)		76	85	89	91
Urban districts:					
Commercial and business .....	85	89	92	94	95
Industrial .....	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (townhouses)	65	77	85	90	92
1/4 acre .....	38	61	75	83	87
1/3 acre .....	30	57	72	81	86
1/2 acre .....	25	54	70	80	85
1 acre .....	20	51	68	79	84
2 acres .....	12	46	65	77	82
Woods		30	55	70	77
Agriculture		Refer to Table 2-2b in source document (TR55) by crop type and treatment.			

\*Source: Natural Resources Conservation Service Technical Release No. 55, Second Edition, June 1986.

\*\*Hydrologic Soil Group based on the County Soil Survey latest edition.

<b>RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD*</b> <b>HYDROLOGIC SOIL GROUP AND SLOPE RANGE**</b>									
LAND USE	A			B			C		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated <sup>A</sup>	<sup>a</sup> 0.18 <sup>b</sup> 0.23	0.23 0.29	0.28 0.34	0.24 0.30	0.29 0.36	0.33 0.40	0.30 0.36	0.34 0.41	0.38 0.45
Pasture <sup>B</sup>	0.09 0.12	0.13 0.17	0.17 0.23	0.19 0.24	0.24 0.30	0.29 0.36	0.27 0.33	0.31 0.38	0.36 0.43
Meadow, Lawn <sup>C</sup>	0.05 0.07	0.08 0.12	0.12 0.17	0.15 0.19	0.20 0.25	0.24 0.30	0.23 0.28	0.28 0.34	0.32 0.39
Forest, Woods	0.03 0.04	0.05 0.08	0.08 0.12	0.11 0.15	0.16 0.21	0.20 0.26	0.20 0.25	0.25 0.31	0.29 0.36
Gravel	0.24 0.30	0.29 0.36	0.33 0.40	0.32 0.38	0.36 0.43	0.40 0.47	0.35 0.42	0.39 0.46	0.43 0.50
Parking, Other Impervious	0.85 0.95	0.86 0.96	0.87 0.97	0.85 0.95	0.86 0.96	0.87 0.97	0.85 0.95	0.86 0.96	0.87 0.97
Residential, Commercial, Industrial and Other "Developed"	Runoff coefficients should be calculated based upon weighted average of impervious area coefficients and pervious area coefficients from above based upon soil type, slope and the particular development proposal.								

\*Coefficients for all land uses except parking and other impervious cover are based on the Rossmiller Equation for translating NRCS curve numbers into Rational Method 'c' values. The source for the parking and other impervious cover coefficients is RAWLS, W.J., S.L. WONG and R.H. McCUEN, 1981. Comparison of urban flood frequency procedures. Preliminary draft report prepared for the Soil Conservation Service, Beltsville, MD.

\*\*Hydrologic Soil Group based on the county soil survey latest edition.

a – Runoff coefficients for storm recurrence intervals less than 25 years.

b – Runoff coefficients for storm recurrence intervals of 25 years or more.

<sup>A</sup>Represents average of cultivated land with and without conservation treatment from TR-55, January 1975. These values are consistent with several categories of cultivated lands from TR-55, June 1986.

<sup>B</sup>Represents grasslands in fair condition with 50% to 75% grass cover.

<sup>C</sup>Represents grasslands in good condition with greater than 75% grass cover.

### MANNING 'n' VALUES BY TYPICAL REACH DESCRIPTION

<u>Reach Description</u>	<u>Manning 'n'</u>
Natural stream, clean, straight, no rifts Or pools	0.030
Natural stream, clean, winding, some pools And shoals	0.040
Natural stream, winding, pools, shoals, Stony with some weeds	0.050
Natural stream, sluggish with deep pools And weeds	0.070
Natural stream or swale, very weedy or With timber under brush	0.100
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027*

\*Depending upon type and diameter.

### ROUGHNESS COEFFICIENTS (MANNING 'n') FOR SHEET FLOW

<u>Surface Description</u>	<u>Manning 'n'<sup>1</sup></u>
Smooth surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue)	0.050
Cultivated soils:	
Residue cover ≤ 20%	0.060
Residue cover > 20%	0.170
Grass:	
Short grass prairie	0.150
Dense grasses <sup>2</sup>	0.240
Bermuda grass	0.410
Range (natural)	0.130
Woods: <sup>3</sup>	
Light underbrush	0.400
Dense underbrush	0.800

<sup>1</sup>The n values are a composite of information compiled by Engman (1986).

<sup>2</sup>Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass and native grass mixtures.

<sup>3</sup>When selecting n, consider cover to a height of about 0.1 ft. this is the only part of the plant cover that will obstruct sheet flow.

# APPENDIX D

Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock*																
SITE RISK FACTORS		CARBONATE BEDROCK														
		Geology Type	2 to 4 Feet				Over 4 Feet to 8 Feet				Over 8 Feet					
DESIGN FACTORS	Effective Soil Thickness	Less than 2 Feet														
	Special Geologic Features**	Low/Med/High Buffer	Low Buffer	Medium Buffer	High Buffer	Low Buffer	Medium Buffer	High Buffer	Low Buffer	Medium Buffer	High Buffer	Low Buffer	Medium Buffer	High Buffer		
	SITE INVESTIGATION RECOMMENDED	(Unacceptable)	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	Preliminary	
		Infiltration Loading Rates (% Increase) ***	0- 100- 300- 100%	100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	0- 100- 300- 500%	
PROGRAM SUMMARY GUIDANCE ***			1	1	1	2									1	



RECOMMENDED



NOT RECOMMENDED

\* Source: Developed by Cahill Associates based on information in "Technical Best Management Practice Manual & Infiltration Feasibility Report", November 2002 and input from the LVPC, 2003.

\*\* Special Geologic Feature Buffer widths are as follows:

- Low Buffer is less than 50 feet
- Medium Buffer is 50 feet to 100 feet
- High Buffer is greater than 100 feet

\*\*\* Rates greater than 500% not recommended.

\*\*\*\* Assumes adequately permeable soils and lack of natural constraints as required for all infiltration systems.

1 Infiltration systems may be allowed at the determination of the Engineer and/or Geologist, provided that a Detailed Site Investigation is undertaken which confirms nature of rock, location of Special Geologic Features, and adequacy of the buffer between the SGF and the proposed stormwater system(s).

2 In these Special Geologic Features: Low Buffer situations, infiltration systems may be allowed at the determination of the Engineer and/or Geologist, provided that a Detailed Site Investigation is undertaken and a 25 foot buffer from SGFs is maintained.



TABLE 12 (cont'd)  
JORDAN CREEK WATERSHED  
STORM DRAINAGE PROBLEM AREAS

No.	Location	Municipality	Problem Description	Subarea No.	Reach No.	Proposed Solution
11	Sumner Avenue (between 6th and 17th Streets)	Allentown	Street Flooding	141, 142, 143	--	Add/Improve inlets
12	Liberty Street (between 13th and 15th Streets)	Allentown	Street Flooding	142	--	Improve Inlets
13	224 North 3rd Street	Allentown	Street and Property Flooding	144	--	None proposed
14	3rd & Gordon Streets	Allentown	Street Flooding	145	--	None proposed
15	3rd & Linden Streets	Allentown	Street Flooding from debris	145	--	Removal of RR piers and bridge
16	3rd & Union Streets	Allentown	Street Flooding	145	--	None proposed

## APPENDIX E

### STORMWATER BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between \_\_\_\_\_, (hereinafter the "Landowner"), and \_\_\_\_\_ County, Pennsylvania, (hereinafter "municipality");

#### WITNESSETH

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

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

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

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

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

- BMP – "Best Management Practice;" activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.
- Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the municipality requires, through the implementation of the Plan, that stormwater management BMPs as required by said Plan and the Municipal Stormwater

Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns, and

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

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the municipality, the municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the municipality.
5. In the event the municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the municipality *and if not timely paid, a municipal lien shall be placed upon the premises for 110% of the invoice amount, plus statutorily allowed fees, expenses and costs.*
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, *hereby release and hold harmless* the municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or municipality. In the event that a claim is asserted against the municipality, its designated representatives or employees, the municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The municipality shall inspect the BMP(s) *as necessary* to ensure their continued functioning.

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

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the municipality:

\_\_\_\_\_

(SEAL)

For the Landowner:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_ (City, Borough, Township)

County of \_\_\_\_\_, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, has acknowledged the same before me in my said County and State.

**GIVEN UNDER MY HAND THIS** \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**(SEAL)**

## APPENDIX F

### LOW IMPACT DEVELOPMENT PRACTICES

#### ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

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

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

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

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

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

## APPENDIX G

### PRELIMINARY SITE INVESTIGATION AND TESTING REQUIREMENTS

**Required Data and Site Information:** The following data shall be gathered utilizing standard testing procedures as part of a Preliminary Site Investigation:

- Bedrock composition – Any apparent boundaries between carbonate and non-carbonate bedrock must be verified by a qualified geotechnical professional.
- Bedrock structural geology – This includes the possible presence of faults and mapping of conspicuous fracture traces or lineaments.
- Overburden and soil mantle composition and thickness
- Permeability of the soil
- Depth to the seasonal high water table
- Presence of special geologic features – This includes sinkholes, closed depressions, fracture traces, lineaments, joints, faults, caves, pinacles and geologic contacts between carbonate and non-carbonate bedrock

#### Preliminary Site Investigation Required for Sites Intending to Use Infiltration

**Review of Available Data, Maps and Reports:** Some of the required information, as listed above, can be found in existing published data. Suggested resources include the following:

- Geologic maps and references for the development area
- The Little Lehigh Creek Basin Carbonate Prototype Area Closed Depression Map – available at the LVPC
- USGS topographic maps
- Lehigh and Northampton County soil survey maps
- Aerial photographs from the LVPC or other sources
- Relevant Pennsylvania Geologic Survey Open File Reports that provide maps of sinkholes and Karst features for Lehigh County (OF 87-01) and Northampton County (OF 87-02)
- Kochanov and Reese (2003). Density of Mapped Karst Feature in South-Central and Southeastern Pennsylvania (Map 68)
- DCNR Online Sinkhole Inventory - (<http://www.dcnr.state.pa.us/topogeo/hazards/sinkhole/default.asp>)

**Field Inspections:** In addition to gathering data from published sources, a field inspection of the proposed site is required. A field inspection can provide additional information relating to site features such as carbonate bedrock features, indicators of seasonal high stream-level or water table levels, streams, springs, etc.

**Soil Test Pit and Percolation Test Requirements:** A minimum of one test pit and a minimum of 2 percolation tests are required for every site. A test pit is a 2-3 foot wide, 8 foot deep trench excavated with a backhoe for observing subsurface conditions. The test pits will be used to describe soil depth and quality, including soil horizons, and testing of permeability or percolation rates and can be conducted by a certified Sewage Enforcement Officer.

Percolation tests are to be conducted as follows (adapted from § 73.15. "Percolation Tests" of the Pennsylvania Code)

1. The percolation tests shall be made in separate holes uniformly spaced over the possible infiltration area.
2. An "Initial Presoak" should not be performed.
3. Percolation holes located within the possible infiltration area shall be used in the calculation of the average percolation rate.
4. Holes having a uniform diameter of 6 to 10-inches shall be bored or dug as follows:
  - a. To the depth of the bottom of the possible infiltration BMP
  - b. Alternate depths if the test pits/auger holes indicate that the soils are more suitable at a different depth (i.e., if a clay horizon is identified and more suitable soils are located beneath the horizon, and infiltration test should be performed in the suitable horizon).
5. The bottom and sides of the hole shall be scarified with a knife blade or sharp-pointed instrument to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.
6. Immediately before the percolation test, as a final presoak, water shall be placed in the hole to a minimum depth of 6-inches over the gravel and readjusted every 30 minutes for 1 hour.
7. The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following standard to determine the time interval between readings for each percolation hole:
  - a. If water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.
  - b. If no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.
8. After the final presoaking period, water in the hole shall again be adjusted to approximately 6-inches over the gravel and readjusted when necessary after each reading.
  - a. Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from step No. 7 (above) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained, whichever occurs first. A stabilized rate of drop means a difference of ¼-inch or less of drop between the highest and lowest readings of four consecutive readings.
  - b. The drop that occurs in the final period in percolation test holes, expressed as inches per hour, shall be used to calculate the average percolation rate.
  - c. When the rate of drop in a percolation test is too slow to obtain a measurable rate, the rate of 0.25 inches per hour shall be assigned to that



hole for use in calculating the average percolation rate. The infiltration area may be placed over holes with no measurable rate when the average percolation rate for the possible infiltration area is within the acceptable range.

When a percolation test hole yields a percolation rate of greater than 12-inches per hour, the proposed infiltration area may not be designed or installed within 25-feet of this hole unless the municipality determines that a testing anomaly caused the fast percolation rate and a retest of the area yields acceptable percolation rates. This percolation rate limit is established to protect groundwater quality and to minimize the risk of subsidence.

### **Additional Site Investigation and Testing Required if Infiltration is Proposed**

**Soil Test Pit Requirements:** The required number of test pits varies with Effective Soil Thickness. As risk factors increase, the number of test pits increases. A minimum of 2 test pits, uniformly spaced within the proposed infiltration area (e.g. the 2 pits should be centered on each half of the proposed infiltration area), are required for any site proposing infiltration unless the applicant can demonstrate that one test pit is adequately representative of the area proposed for infiltration. For larger infiltration areas, multiple test pits shall be developed at the densities as listed below:

Effective Soil Thickness (ft.)	Test Pit Density (per acre of proposed infiltration area)*	Percolation Tests (per acre of proposed infiltration area)**	Auger Grid Spacing (Feet On-Center)***
8	4	8	50
4 to 8	6	12	35
2 to 4	8	16	25

\*No. of Test Pits required = Infiltration sq. ft./43,560 sq. ft. x test pit density from chart rounded up to the nearest whole number

\*\* No. of Percolation Tests required = Infiltration sq. ft./43,560 sq. ft. x percolation tests from chart rounded up to the nearest whole number

\*\*\*Auger testing is only required on Carbonate sites.

**Soil Auger Testing Requirements for Carbonate Areas:** Because soil depth is not uniform in many carbonate areas, test pits will not be sufficient to accurately determine the depth to bedrock. Augering provides this essential data as inexpensively as possible. Track-rig rotary soil auger test drilling allows relatively inexpensive, qualitative determination of the presence of overburden voids and will generally penetrate to the top-of-bedrock. Augers typically extend to depths of 20 feet. Special augers extend to as much as 50 feet. Augers do not extend into the bedrock. Auger testing should be performed in a grid pattern across the proposed infiltration area, spaced as indicated in the above table.

**Percolation Testing Requirements:** For each proposed infiltration area, a minimum of six percolation tests shall be conducted with a vertical component permeability test unless the applicant can demonstrate that fewer tests accurately represent the percolation rate of the proposed infiltration area. Additional testing shall be required if the initial test results show significant variability in the vertical component percolation rate. For larger infiltration areas, percolation tests shall be conducted at the densities listed in the table above.