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## **Attachment 3: (Refer to R2. Listed Exemptions)**

### **EXEMPTIONS**

The following are possible exemptions that the municipality may want to consider including in their ordinance. These exemptions are recommended and not mandatory. They are provided as a reference for municipalities.

With the approval of the [municipal governing body], the following activities may be exempted from on-site stormwater runoff control.

All exemption requests must be filed with the municipality.

An exemption shall not relieve the Applicant from the requirements of this or other municipal ordinances or from implementing such measures as are necessary to protect public health, safety, and property.

An exemption shall not relieve the Applicant from complying with any other current or future state or municipality requirements or regulations.

The municipality may determine that one or more of the exemptions listed below do not apply if a drainage problem is documented or known to exist downstream of, or is expected from the proposed activity.

#### **Exemptions for Specific Activities:**

The following activities are exempt from on-site stormwater facilities and the preparation and submission of the stormwater management site plan requirements. All other stormwater management design elements, such as storm sewer system, road culverts, erosion and sedimentation control, and runoff quality, shall be required. All exemption requests must be filed with the municipality.

#### **Emergency**

- Emergency maintenance work performed for the protection of public health, safety and welfare. This exemption is limited to repair of the existing facility; upgrades, additions or other improvements are not permitted under this exemption.
- A written description of the scope and extent of any emergency work performed shall be submitted to the [municipality] within two (2) calendar days of the commencement of the activity.
- A detailed plan shall be submitted no later than 30 days following commencement of the activity.
- If the [municipality] finds that the work is not an emergency, then the work shall cease immediately and the requirements of this ordinance shall be addressed as applicable.

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**Maintenance**

Any maintenance to an existing stormwater management system made in accordance with plans and specifications approved by the municipal engineer or [municipality].

**Landscaping for Existing Residential Properties**

Use of land for maintenance, replacement or enhancement of existing residential landscaping by residential property owner.

**Gardening**

Use of land for gardening for home consumption.

**Agricultural Activities**

Agriculture activities, limited to growing crops, rotating crops, tilling of soil and grazing animals, when operated in accordance with a conservation plan, nutrient management plan or erosion and sedimentation control plan approved by the \_\_\_\_\_ County Conservation District. For agriculture with an approved conservation plan, installation or expansion of existing farmsteads, animal housing, waste storage, and production areas having impervious surfaces that result in a net increase in impervious surface between 500 and 999 square feet shall apply the Simplified SWM Site Plan approach, and net increases in impervious surface of greater than or equal to 1,000 square feet shall be subject to the provisions of these Standards.

**Forest Management**

- Forest management operations, which are consistent with a sound forest management plan as filed with the [municipal] zoning officer and which follow the Pennsylvania Department of Environmental Protection’s management practices contained in its publication “Soil Erosion and Sedimentation Control Guidelines for Forestry.”
- Such operations are required to have an erosion and sedimentation control plan, which meet the requirements of 25 Pa. Code Chapter 102 as per Table A.

**Road Maintenance**

- Road replacement must meet the Erosion and Sediment Control (E&S) standard and is exempt from all other standards.
- Road resurfacing is exempt from these standards.
- Construction of new, additional impervious surface is regulated by these standards.

**In Kind Replacement of Residential Impervious Surfaces**

The replacement of existing residential impervious surfaces in the exact footprint of the existing impervious surface.

**In Kind Repair, Maintenance of Patios, Decks and Sidewalks**

The replacement of existing residential patios, decks and/or sidewalks in the exact footprint of the existing impervious surface.

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**Interior or Exterior Cosmetic Improvements to Existing Dwellings and Other Residential Accessory Structures**

Improvements and home maintenance (such as replacing roofs, siding, etc) to existing dwellings and other residential accessory structures (such as garages, sheds, etc.)