

**June 10, 2010 – Updates and Clarification of Selected Draft Proposed
MANDATORY MINIMUM Ordinance Provisions
(Underlined text are additions; text crossed out has been removed)**

No.	Ordinance Component	Draft Proposed Ordinance Provisions (as presented on April 6, 2010 Matrix)	CLARIFIED on June 10, 2010 Draft Proposed Ordinance Provisions
M1.	Applicability Thresholds ²	a. All sites with ≥1,000 sq. ft of proposed impervious area must comply with all requirements and standards of the ordinance. (municipalities may use a smaller sq. ft. threshold). b. All sites with ≥ 5,000 sq. ft. of proposed earth disturbance must comply with all requirements and standards of the ordinance. (municipalities may use a smaller sq. ft. threshold). c. All sites with 500 to 999 sq. ft. of proposed impervious area must capture and infiltrate 1-inch of runoff from the impervious area, and must meet the requirements presented in the Simplified Method for O&M plan documents and recordation (see Attachment 1). d. “Proposed impervious cover” is defined to include new, additional and replacement impervious cover.	a. All sites with ≥1,000 sq. ft of proposed impervious area must comply with all requirements and standards of the ordinance. (municipalities may use a smaller sq. ft. threshold). b. All sites with ≥ 5,000 sq. ft. of proposed earth disturbance must comply with all requirements and standards of the ordinance. (municipalities may use a smaller sq. ft. threshold). e. All sites with 500 to 999 sq. ft. of proposed impervious area must capture and infiltrate 1-inch of runoff from the impervious area, and must meet the requirements presented in the Simplified Method for O&M plan documents and recordation (see Attachment 1). [Moved to recommended.] d. “Proposed impervious cover” is defined to include new, additional and replacement impervious cover.
M3.	<u>Alternative Approach for Control Measures¹</u> No Waivers from Water Quality Standard without Prior PADEP Approval	If the municipality desires to include provisions allowing waivers, the following language must be included: <i>“The municipality may, after consultation with PADEP, approve measures for meeting the state requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.” water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.</i>	If the Municipality desires to include provisions allowing waivers, the following language must be included <u>in the ordinance</u> : <u>“For any site with proposed regulated earth disturbance equal to or greater than one acre where, after a close evaluation of alternative site designs, it proves to be impracticable to meet the mandatory minimum volume and infiltration control standards of this ordinance onsite, the Municipality may approve measures other than those in this ordinance after consultation with and evaluation by PADEP that the alternate site design meets State water quality requirements and does not conflict with State law including, but not limited to, the Clean Streams Law.</u> <u>For any site with proposed regulated earth disturbance that is less than one acre where, after a close evaluation of alternative site designs, it proves to be impracticable to meet any one or more of the mandatory minimum standards of this ordinance onsite, the Municipality may approve measures other than those in this ordinance.”</u> <u>The term “regulated earth disturbance” is defined to mean any activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.</u>

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M4.	Primary Volume, Water Quality, and <u>Infiltration Thermal</u> Control ²	a. For New Development Sites, the post-development total runoff volume must not exceed the pre-development total runoff volume for all storms equal to or less than the 2-year 24-hour storm event, where the pre-development runoff is calculated using the New Development Ground Cover Assumptions. (see M7.) b. For Redevelopment Sites, the post-development total runoff volume must be no greater than the pre-development total runoff volume for all storms equal to or less than the 2-year 24-hour storm event, where the pre-development runoff is calculated using Redevelopment Ground Cover Assumptions. (see M7.)	<p><i>Same text. This provision was simply re-titled for accuracy.</i></p>
M12.	Protection of Downgradient Properties from <u>Adverse Off-site Conveyance</u> ²	a. Drainage easement (or other legal agreement/approval) must be obtained for conveyance of discharges onto or through adjacent properties. b. Conveyance must be designed to avoid erosion, flooding or other damage to the properties through which it is being conveyed. c. There shall be no adverse impact upstream or downstream. d. Address protection issues in SWM plan.	<p><u>The following must be accomplished for any location where a proposed discharge of stormwater from any frequency rainfall event, up to and including the 100-year, 24-hour storm event, may potentially cause harm by flowing onto a down gradient property prior to reaching an existing conveyance system or a natural watercourse, or by reducing flow to wetlands, or similar sensitive habitats:</u></p> <p>a. <u>The conveyance must be designed to avoid erosion, flooding or other damage to the properties through which it is being conveyed.</u></p> <p>b. <u>One of the following must be obtained:</u> b1. <u>Written approval from the property owner(s), such as a drainage easement (or other legal agreement/approval), must be obtained for conveyance of discharges onto or through adjacent properties.</u></p> <p style="text-align: center;"><u>– OR –</u></p> <p>b2. <u>Proof that the applicant has provided written notification to the down gradient property owner(s) that an application has been submitted to the municipality requesting approval for a permit that may discharge, or alter discharge, of stormwater onto their property, and a statement informing the down gradient property owner(s) how they can obtain additional information.</u></p>

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M13.	Prohibited Discharges and Connections ¹	a. Requirement prohibiting discharge of non-stormwater discharges into stormwater facilities (see Attachment 2). b. “Dechlorinated swimming pool” water must be deleted from the list of “allowable” discharges (see Attachment 2). c. Requirement prohibiting roof drains and sump pumps from discharging into stormwater and sanitary sewer systems. d. Alterations of BMPs prohibited unless approved.	e. Requirement prohibiting discharge of non-stormwater discharges into stormwater facilities (see Attachment 2). a. “Dechlorinated swimming pool” water must be deleted from the list of “allowable” discharges (see Attachment 2). b. <u>Roof drains and sump pump discharges must be treated by a water quality BMP prior to discharge to storm sewers or surface waters. Roof drains and sump pumps shall not be connected to sanitary sewers. Roof drains and sump pumps shall be discharged to a vegetated area, or shall be first discharged into water quality or infiltration stormwater BMPs (infiltration, vegetative, etc.) to the maximum extent practicable.</u> Requirement prohibiting roof drains and sump pumps from discharging into stormwater and sanitary sewer systems. c. Alterations of BMPs prohibited unless approved <u>by the municipality.</u>
M15.	Municipal Right of Entry	a. Requirement that municipal representatives have the right but not the responsibility to enter any stormwater management facility to inspect and/or repair. b. Provision to provide an easement for access to stormwater facilities from public roadway.	<u>Include for both during construction and post-construction:</u> a. <u>Provision</u> that municipal representatives have the right but not the responsibility to enter any stormwater management facility to inspect and/or repair. b. Provision to <u>allow</u> provide an easement for access to stormwater facilities from public roadway <u>(i.e. by easement or other written permission).</u>
M16.	Municipal Inspections during Construction	Provision stating municipality has the right, but not the responsibility, to enter and inspect all facilities during construction, including: a. Municipal engineer inspects all phases of construction. b. Cease and desist order option. c. Final inspection.	Provision stating municipality has the right, but not the responsibility, to enter and inspect all facilities during construction. a. Municipal engineer inspects all phases of construction. b. Cease and desist order option. c. Final inspection.

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M17.	Long-Term Operation and Maintenance Responsibilities ²	Requirements included for: a. Preparation of long-term O&M plan for approval by municipality. b. Designation of a specific entity responsible for implementing the O&M plan. c. Execution and public recordation of O&M agreement between owner/operator and municipality. d. Ensure sufficient financial resources are available to cover costs of long-term O&M. e. Long-term inspections. f. Performance guarantee.	Requirements included for: a. Preparation of long-term O&M plan for approval by municipality, b. Designation of a specific entity responsible for implementing the O&M plan. c. Execution and public recordation of O&M agreement between owner/operator and municipality, <u>that establishes the financial responsibility for covering the costs of long-term O&M, and establishes the responsibility for long-term inspections.</u> d. Ensure sufficient financial resources are available to cover costs of long-term O&M. e. Long-term inspections. f. Performance guarantee.
M20.	As-built Plans and Completion Certificate ¹	a. The applicant shall be responsible for submitting to the municipality as-built plans of all stormwater facilities included in the approved SWM Plan, and an explanation of any discrepancies with the approved plans. b. The as-built submission shall include a certification of completion signed and sealed by a qualified professional licensed in PA verifying that all permanent stormwater facilities have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the SWM Plans, then a similar licensed qualified professional must also sign the completion certificate.	a. For any project over one (1) acre of disturbance, the applicant shall be responsible for submitting to the municipality as-built plans of all stormwater facilities included in the approved SWM Plan, and an explanation of any discrepancies with the approved plans. b. The as-built submission shall include a certification of completion signed and sealed by a qualified professional licensed in PA verifying that all permanent stormwater facilities have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the SWM Plans, then a similar licensed qualified professional must also sign the completion certificate. [Moved to recommended.]

Footnotes:

1 – Required by PADEP to be included as mandatory, and for which PADEP established the minimum quantitative standard.

2 – Required by PADEP to be included as mandatory, and for which PADEP allows the WPAC to establish the minimum quantitative standard.