

ORDINANCE NO. 810

**AN ORDINANCE AMENDING CHAPTER 22 OF THE
HOLLIDAYSBURG CODE OF ORDINANCES ADDRESSING
STORMWATER MANAGEMENT IN THE BOROUGH OF HOLLIDAYSBURG**

The Code of Ordinances of the Borough of Hollidaysburg adopted on the 13th day of April 1987, is hereby amended, as follows:

Section 1. Chapter 22, Part 2, Section 202(2) is hereby amended by the addition of the following definitions:

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

BMP (BEST MANAGEMENT PRACTICE): Activities, facilities, designs, measures or procedures used to manage stormwater impacts to meet State Water Quality Requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance.

EROSION AND SEDIMENT CONTROL PLAN: A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

NPDES: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

POINT SOURCE: Any discernable, 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 Paragraph 92.1.

STATE WATER QUALITY REQUIREMENTS: As defined under state regulations - protection of designated and existing uses (See 25 PA Code Chapters 93 and 96).

SURFACE WATER 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 the Commonwealth.

Section 2. Chapter 22, Part 5, Section 509(1) is hereby amended by the addition of the following Subpart (E):

E. To achieve compliance with the requirements of the Municipality's Stormwater NPDES Permit conditions.

Section 3. Chapter 22, Part 5, Section 509(3)(A)(3) is hereby deleted in its entirety and replaced with the following:

(3) No discharge of toxic materials shall be permitted into any stormwater management system. Where required by federal and state regulation, the landowner or developer shall be responsible for obtaining an NPDES permit for stormwater discharges.

Section 4. Chapter 22, Part 5, Section 509(C)(2)(a) and (b) are hereby deleted in their entirety and replaced with the following:

(2) Water Quality Requirements.

- (a) No regulated activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- (b) Stormwater BMPs must be designed, implemented, and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Municipality.
- (c) To control post-construction stormwater impacts from regulated activities, State Water Quality Requirements can be met by BMPs, including site design, which provides for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction discharges do not degrade the physical, chemical, or biological characteristics of the receiving waters. This may be achieved by the following:

- (i) Infiltration: replication of pre-construction stormwater infiltration conditions,
 - (ii) Treatment: use of water quality treatment BMPs to ensure removal of the chemical and physical pollutants from the stormwater runoff, and
 - (iii) Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g. from scouring).
- (d) Provisions for the assurance of long-term operations and maintenance of BMPs must be provided in accordance with Section 509.6.
- (e) Acceptable stormwater management BMPs must be provided to manage the net increase in stormwater runoff volume from the land development activities from a 2-year/24-hour frequency storm. This equates to 2.6 inches of rainfall occurring over a twenty-four hour period.
- (f) Evidence of any necessary permit(s) for earth disturbance activities from the appropriate DEP regional office must be provided to the Municipality.
- (g) Design stormwater detention/retention so that the outlet shall, in addition to any other stormwater requirements imposed by the Borough stormwater regulations, discharge the 1 year, 24 hour storm over a 24 hour period.

Section 5. Chapter 22, Part 5, Section 509(3)(C)(3)(a) is hereby deleted in its entirety and replaced with the following:

- (a) BMP selection and application shall be in accordance with guidance provided in the BMP handbooks and design manuals published by DEP. In selecting the appropriate BMP's or combinations thereof, the land developer shall consider the following:
 - 1) Total contributing area
 - 2) Permeability and infiltration rate of the site soils
 - 3) Slope and depth to bedrock
 - 4) Seasonal high water table
 - 5) Proximity to building foundations and well heads
 - 6) Erodibility of soils

7) Land availability and configuration of the topography

Section 6. Chapter 22, Part 5, Section 509(4)(A)(3)(a) is hereby deleted in its entirety and replaced with the following:

- (a) infiltration and/or treatment of runoff on-site

Section 7. Chapter 22, Part 5, Section 509(4)(B)(3) is hereby deleted in its entirety and replaced with the following:

(3) Infiltration systems shall not be used to handle runoff from commercial or industrial working areas. This prohibition does not extend to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.

Section 8. Chapter 22, Part 5, Section 509(4)(E)(1)(g) is hereby deleted in its entirety and replaced with the following:

- (g) Existing points of concentrated drainage that discharge onto adjacent property shall not be adversely impacted and shall be subject to any applicable discharge criteria specified in this Section.

Section 9. Chapter 22, Part 5, Section 509(4)(E) is hereby amended by the addition of the following Subpart (3):

(3) Prohibitions

(a) Prohibited Discharges

(i) No person in the municipality shall allow, or cause to allow, stormwater discharges into the Borough's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection (ii) below, and (2) discharges allowed under a state or federal permit.

(ii) Discharges which may be allowed, based on a finding by the

Municipality that the discharges do not significantly contribute to pollution to surface waters of the Commonwealth of Pennsylvania, are:

Discharges from fire fighting activities	Uncontaminated water from foundation or from footing drains
Potable water sources including dechlorinated water line and fire hydrant flushings	Flows from riparian habitats and wetlands
Irrigation drainage	Lawn watering
Routine external building washdown (which does not use detergents or other compounds)	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
Air conditioning condensate	Dechlorinated swimming pool discharges
Water from individual residential car washing	Uncontaminated groundwater
Water from crawl space pumps	Springs

(iii) In the event that the Borough determines that any of the discharges identified in subsection (ii) significantly contributes to pollution of waters of the Commonwealth, or if so notified by DEP, the Borough will notify the responsible person to cease the discharge.

(iv) Upon notice provided by the Borough under subsection (iii), the responsible person will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.

(v) Nothing in this Section shall affect a discharger's responsibilities under state law.

(b) Prohibited Connections

(i) The following connections are prohibited, except as provided in Section (a) above:

- [a] Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks, and
- [b] 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 Borough.

(c) Roof Drains

- (i) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches except as provided in Section (ii), below.
- (ii) 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 Borough.
- (iii) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(d) Alternation of BMPs

- (i) No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program without the written approval of the Borough.
- (ii) 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 Borough.

Section 10. Chapter 22, Part 5, Section 509(5) is hereby deleted in its entirety and replaced with the following:

5. Erosion and Sedimentation Controls.

- A. An erosion/sedimentation plan shall be prepared for each development site

in accordance with the PA Erosion/Sedimentation Regulations (25 PA Code, Chapter 102) and the standards and guidelines of the Conservation District. In addition, DEP “NPDES Construction Activities Permit” shall be obtained in accordance with the requirements of 25 PA Code Chapter 92.

- B. Evidence of any necessary permits for regulated earth disturbance activities from the appropriate regional office or County Conservation District must be provided to the Borough.
- C. A copy of the Erosion and Sediment Control Plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.
- D. Proposed erosion/sedimentation control measures shall be submitted with the stormwater management plan. The erosion and sedimentation control plan shall be submitted to the Conservation District for review and approval.

Section 11. Chapter 22, Part 5, Section 509(11) is hereby deleted and replaced with the following:

11. Inspections of Stormwater Management Controls.

A. The Borough engineer or a designated representative shall inspect the construction of the temporary and permanent stormwater management system for the development site. The permittee shall notify the engineer 48 hours in advance of the completion of the following key development phases:

- (1) At the completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary stormwater management and erosion control facilities.
- (2) At the completion of rough grading but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
- (3) During construction of the permanent stormwater facilities at such times as specified by the Borough engineer.
- (4) Completion of permanent stormwater management facilities including established ground covers and plantings.

(5) Completion of final grading, vegetative control measures or other site restoration work done in accordance with the approved plan and permit.

B. No work shall commence on any subsequent phase until the preceding one has been inspected and approved. If there are deficiencies in any phase, the Borough engineer shall issue a written description of the required corrections and stipulate the time by which they must be made.

C. If during construction, the contractor or permittee identifies any site condition, such as subsurface soil conditions, alterations in surface or subsurface drainage which could affect the feasibility of the approved stormwater facilities, he/she shall notify the Borough engineer within 24 hours of the discovery of such condition and request a field inspection. The Borough engineer shall determine if the condition requires a stormwater plan modification.

D. In cases where stormwater facilities are to be installed in areas of landslide-prone soils or other special site conditions exist, the Borough may require special precautions such as soil tests and core borings, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the permittee.

Section 12. Chapter 22, Part 5, Section 509(16)(B) is hereby deleted and replaced with the following:

16. Liability Disclaimer.

B. Except as specifically authorized by the Storm Water Management Act, neither the granting nor the denial of any permit which includes any stormwater management requirements shall constitute a representation, guarantee or warranty of any kind by the Borough, the Borough officials, employees, or designated representatives thereof of the practicability or safety of any stormwater structure or facility, use or other plan proposed, and shall create liability or cause of action upon any Borough official, employee, or designated representative thereof for any damage that may result pursuant thereto to the maximum extent permitted by law.

Section 13. Effective Date. This ordinance will become effective immediately upon its passage and approval by the Mayor.

DULY adopted by the Council of the Borough of Hollidaysburg this ____ day of July 2005.

Edward L. Plowman, President

ATTEST:

Ann M. Andrews, Secretary

APPROVED BY ME THIS ____ DAY OF _____, 2005.

Mayor James L. Shoemaker