

ARTICLE XVIII

STORM WATER MANAGEMENT

Section 1801 **INCORPORATION OF THE WYSOX CREEK WATERSHED ACT 167 STORM WATER MANAGEMENT PLAN**

Volume I (Technical Manual) of the Wysox Creek Watershed Act 167 Storm Water Management Plan is hereby a part of this ordinance and incorporated by reference as though set forth at length herein.

Section 1802 **STATEMENT OF FINDINGS**

Wysox Township finds that:

A. Inadequate management of accelerated runoff of storm water resulting from development throughout watershed increases flood flows and velocities, and lack of proper wetland conservation throughout a watershed contributes to accelerated erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, impacts surface and groundwater quality, and threatens public health and safety.

B. A comprehensive program of storm water management and wetland conservation including reasonable regulation of development and activities causing accelerated erosion and sediment pollution, is fundamental to the public health, safety and welfare and the protection of the people of the municipality and all the people of the Commonwealth, their resources and environment.

Section 1803 **PURPOSE**

The purpose of this Ordinance is to promote the public health, safety and welfare by minimizing the damages described in Section 101(A) of this Ordinance by provisions designed to:

A. control accelerated runoff, erosion and sediment pollution problems at their source by regulating activities which cause such problems.

B. Utilize and preserve the desirable existing natural drainage systems.

C. Encourage recharge of groundwater where appropriate and prevent the degradation of groundwater quality.

D. Maintain the existing flows, quality, and integrity of wetlands, streams and water courses in the municipality and the Commonwealth.

E. Preserve and restore the flood carrying capacity of streams.

F. Provide for proper maintenance of the permanent storm water management controls and structures which are constructed in the municipality.

G. Provide performance standards and design criteria for watershed-wide storm water management and planning.

Section 1804 **STATUTORY AUTHORITY**

The municipality is empowered to regulate these activities through its municipal code by Section 11 of the Act of October 4, 1978, P.L. 864 (Act 167), the "Storm Water Management Act," 32 P.S. Section 680.11.

Section 1805 **APPLICABILITY**

This Ordinance shall only apply to those areas of the municipality which are located within the Wysox Creek drainage basin as delineated on Plate I of Volume I of the Watershed Plan available for inspection in the municipal office. This Ordinance shall apply to permanent and temporary storm water management controls and facilities constructed as part of any of the activities listed in this section. This Ordinance contains only minimum storm water runoff control criteria and standards which are necessary or desirable from a total watershed perspective. Additional storm water management design criteria (i.e. inlet spacing, inlet type, collection system details, etc.) which represent sound engineering practice may be regulated either separate storm water ordinance provisions or as part of the general responsibilities of the municipal engineer.

The following activities are included within the scope of this Ordinance:

- A. Land development.
- B. Subdivision.
- C. Earth disturbance (see Section 402)
- D. Construction of new or additional impervious or semi-previous surfaces (driveways, parking lots, etc.) ,creating 10,000 square feet or more of impervious area.
- E. Construction of new buildings or additions to existing buildings creating 10,000 square feet or more of impervious area.
- F. Forest management operations.
- G. Nursery operations.
- H. Diversion or piping of any natural or man-made channel, berm or terrace unless it meets Article IV, Section 402.E and F of this ordinance.
- I. Installation of storm water controls and facilities or appurtenances thereto.
- J. Mining operations.
- K. Land development involving wetlands.

Section 1806. **COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS**

Permits and approvals issued pursuant to this STORM WATER MANAGEMENT portion of this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable law, code, rule, regulation , act, ordinance or ruling of any court. If more stringent requirements concerning regulation of storm water or erosion and sediment pollution control or activities in wetlands are contained in any other law, code, rule, regulation , act, ordinance or ruling of any court, the more stringent regulation shall apply to the applicant.

Section 1807 **DRAINAGE PLAN REQUIREMENTS**

All storm water management system designs, plans and/or construction shall:

- A. Be compatible with the Wysox Creek Storm Water Management Plan.
- B. Comply with all the requirements of the Wysox Township Ordinances and/or the Pennsylvania Department of Environmental Resources and the U.S. Army Corps of Engineers. Should any storm water management facilities qualify as a dam under Pa DER Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety.
- C. Be conducted in such a way as to minimize accelerated erosion and resulting sediment pollution. Measures to control erosion and resulting sediment pollution shall, at a minimum, meet the standards of Chapter 102 (Erosion and Sediment Pollution Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources and Erosion and Sediment Pollution Control.
- D. Be conducted in such a way as to conserve, minimize, and mitigate impact upon regulated

wetlands. Such areas shall not be altered in any way without obtaining design approval, required certifications, and permits from Wysox Township, the Philadelphia District U.S. Army Corps of Engineers, and the Pennsylvania Department of Environmental Resources. Wetlands include swamps, marshes, bogs and similar areas. A significant natural resource, wetlands have important functions, relating to fish and wildlife food chain production, habitat, nesting, spawning, rearing and roosting sites for protected aquatic and land species; protection of other areas from erosion and sediment pollution, storm areas for storm and flood waters; natural recharge areas where ground and surface water are interconnected; and natural water filtration and purification functions.

E. Be designed so that the construction of basins within the 100-year floodplain should be avoided, where possible, but where unavoidable, the situation shall be examined for its function ability and supporting documentation submitted to the governing body for review and shall be consistent with Chapter 106 (Flood Plain Management) of Title 25, Rules and Regulations of the PaDER. All zoning, subdivisions and flood plan management regulations at the state or municipal level must be complied with and the more restrictive regulation (supersede(s) all other regulations.

F. Include financial guarantees for controls as specified in Article VIII, 11 drainage plan.

G. Be designed by a person trained and experienced in storm water management and erosion and sediment pollution control. (The design, structure interim, and installation of the control measures are the responsibility of the developer).

H. Be consistent with the storm water management criteria (Appendix B of this ordinance) and DER's Erosion and Sediment Pollution Control Program Manual.

I. Additional studies and a higher level of control than the minimum provided in the design criteria may be required by Wysox Township to assure adequate drainage to protect life and property.

Section 1808 **DRAINAGE PLAN CONTENT**

The following items shall be included in the plan:

A. Narrative report describing the project and giving the purpose and engineering assumptions and calculations for control measures and facilities.

1. General description of the project including statement of total earth disturbance.

2. General description of storm water management controls as outlined in Appendix B.

3. General description of erosion and sediment pollution controls as outlined in DER's Erosion and Sediment Pollution Control Program Manual and Chapter 102.

4. (General description of nonprofit source pollution controls) .

5. Expected project time schedule, including anticipated start and completion dates.

6. A proposed schedule of inspections which will be performed by the applicant's engineer or designee and monitored by the Township Engineer or the Township designee.

7. A schedule for installation of the control measures and structures with tentative calendar dates.

8. All calculations, assumptions and criteria used in the design of the control measures and structures as outlined in Appendix B.

9. A maintenance program for all storm water management, erosion and sediment controls for both the construction period and after construction is complete including the responsible party. This program must include the proposed ownership of the permanent controls and details for financial responsibility for any required maintenance.

10. A description of federal or state agency involvement with the project (i.e. U.S. Army Corps of Engineers, D. E. R.).

11. Training and experience of person(s) preparing the plan.

B. Map(s) of the project area showing:

1. The locations of the project relative to highways, municipalities or other identifiable landmarks i.e., U.S.G.S.I.

2. North arrow and scale.

3. Existing and proposed contours at intervals of two (2) feet; in areas of steep slopes (greater than 15%), five (5) foot contour intervals may be used.
4. Streams, lakes, ponds or other bodies of water within and in close proximity to the project area.
5. The 100-year floodplain and floodway.
6. Easements and adjoining property owners.
7. Existing structures, roads, paved areas, buildings, and earth disturbances.
8. Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
9. Locations of existing and proposed underground utilities, sewers, and water lines.
10. Soil types and boundaries.
11. Proposed changes to land surfaces and vegetative cover.
12. Areas to be cut and filled.
13. Limits of disturbed areas.
14. Proposed structures including roads, paved areas, and buildings.
15. Wetlands as delineated according to the Federal Manual for the Identification and Delineation of Jurisdictional Wetlands.
16. Existing and proposed storm water management, erosion and sediment pollution, control structures as discussed in the narrative, Appendix B and DER's Erosion and Sediment Pollution Control Program Manual.
17. Road profiles. (For proposed R-O-Ws)
18. Details/profiles of all proposed storm water management, erosion and sediment control, structures as discussed in the narrative, Appendix B and DER's Erosion and Sediment Pollution Control Program Manual.
19. Existing and proposed drainage areas and boundaries including on-site and contributing off-site boundaries.
20. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of septic tank infiltration areas and wells must be shown.
21. Areas subject to special deed restrictions affecting or affected by storm water management.
22. Easements and rights-of-ways to proposed storm water controls.
23. A certificate, signed and sealed by an engineer registered in the Commonwealth of Pennsylvania and qualified under all applicable State and local laws to perform such duties indicating the compliance of the design of the storm water management facilities and concepts with the provisions of this Ordinance.

Section 1809 EROSION AND SEDIMENT POLLUTION CONTROL AND STORM WATER MANAGEMENT SITE PLAN REQUIREMENTS GENERAL REQUIREMENTS

A. The drainage plan shall be submitted to the municipality with the preliminary subdivision and/or land development plan to allow for timely review and inclusion in the final subdivision plan for any revision(s) which may result from the review(s).

B. The applicant shall have the ability to submit a receipt 'from the Bradford County Planning commission showing that the 'applicant has made the submittal directly. This receipt shall be required as part of the initial submission to the Wysox Township Borough Planning commission. If the Township Planning commission fails to receive the receipt or the sufficient number of copies to distribute to the Bradford County Planning commission, the submittal to the Township will be considered incomplete, and the time period for approval of the entire application will not commence.

C. The applicant shall submit the Erosion and Sediment Pollution Control Plan directly to the Bradford County Conservation District for review and approval.

D. The governing body shall review and approve the storm water management site plan and the Bradford County Conservation District shall review and approve the Erosion and Sediment Pollution control Plan, prior to the final approval of subdivision and/or land development plans, or the issuance of any permits.

Section 1810 **EXEMPTIONS**

When the developer/owner demonstrates that there are no other alternatives to comply with one or more of the storm water management regulations in the ordinance, a waiver may be granted by the majority of supervisors of the municipality. The developer/owner must still meet all other regulations specified in the Wysox Creek Storm Water Management Ordinance.

A financial cost is not considered a hardship.

Although these hereinafter listed activities are exempt from the drainage plan submittal, review and permit requirements, they must otherwise implement erosion and sediment pollution controls in the manner specified in the Ordinance and in DER's Erosion and Sediment Pollution Control Program manual and Chapter 102.

The following activities are specifically exempt from the submittal, review and permit requirements of this Ordinance.

A. Earth disturbance affecting less than twenty thousand (\$20,000) square feet (total area).

B. Land Development creating less than five thousand (5,000) square feet of impervious surface.

C. Use of land gardening for home consumption.

D. Agricultural activities including tillage, plowing, discing, harrowing, pasturing and installation of conservation measures except as noted in Section 104. Creation of new impervious material, i.e., roofs, drives, parking areas, 10,000 square feet or more, are not considered agricultural activities and will or more, are not considered agricultural activities and will need to comply with applicable provisions of this ordinance.

E. Creation of diversions for agricultural activities if the total time base (Tb) (time of peak (Tp) plus time of recession (Tr) of the proposed condition hydrograph of the area being diverted to the discharge point of interest is less than or equal to the time to peak of the total contributing drainage area to the discharge point of interest. (See Section 2.B.6 of Volume I, Technical Manual for further definitions of Tb, Tp and Tr.)

F. Creation of an agricultural diversion which will increase flows onto adjacent and/or downstream landowners of which a drainage release can be obtained from all affected landowners.
NOTE: Meeting the exemptions of this ordinance does not relieve the affected party from meeting all other applicable local, state or federal requirements.

Section 1811 **PLAN SUBMISSION**

A. The drainage plan shall be submitted as required in Article V, Section 501 from the Bradford County Subdivision and Land Development Ordinance, under Plats and Data for Preliminary Approval and future sections as amended.

B. The drainage plan shall be accompanied by the requisite fee, as set forth in Article VII of this ordinance.

C. Six (6) copies of the completed drainage plan must be submitted.

D. Five (5) copies of the Drainage Plan Application as supplied by the Township and required by Article V, Section 504 of this ordinance must be submitted.

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Section 1812 **DRAINAGE PLAN APPROVAL**

A. The municipality shall forward two (2) copies of the plan to the County Planning Commission.

1. The requirement for distribution to the Bradford County Planning Commission by the municipality is waived if the applicant has submitted the drainage plan directly. See Section 401-B.

B. The Bradford County Conservation District shall review the Erosion and Sediment Pollution Control Plan and submit comments to the municipality. The municipal engineer and/or municipal planning commission shall review the storm water management site plan and comments from the Bradford County Conservation District and the Bradford County Planning Commission and recommend whether the drainage plan be approved or disapproved.

C. Review of the drainage plan shall be in accordance with Section 704.03 of the Bradford County Subdivision and Land Development Ordinance and future sections as amended.

D. A disapproval shall contain the reasons for disapproval and a listing of the drainage plan deficiencies.

E. Failure of the governing body to render a decision will be subject to Act 247 "Pennsylvania Municipalities Planning Code", as amended.

Section 1813 **MODIFICATION OF PLANS**

A modification to an approved drainage plan 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 approved application (as determined by the township engineer or its designee) shall be considered for approval pursuant to the procedures contained in Section 404 of this ordinance. The governing body shall notify the applicant when such drainage plan modification is required.

Section 1814 **PERMIT REQUIREMENTS AND PROCEDURES**

A. PERMIT REQUIREMENTS AND EXEMPTIONS

All subdivision/land development or earth disturbance activities as specified in Section 104, except those specifically exempt from drainage plan submittal and review requirements specified in Section 402, shall be conducted only after the issuance of a drainage permit.

B. PERMIT ISSUANCE

The applicant shall obtain the required drainage permit after obtaining the required drainage plan approval as specified in Article IV of this ordinance. This drainage permit will be issued by the governing body concurrently with final subdivision/land development approval.

C. NEW PERMIT REQUIRED FOR MODIFICATION OF DRAINAGE PLANS

A modification to an approved drainage plan, when required under Section 405 of this ordinance, shall require a new drainage permit. The permit shall be issued following approvals of the revised plan.

D. APPLICATION FOR PERMIT

All applications for drainage permits required by this ordinance shall be made on forms supplied by the municipality. Such application shall provide a brief description of the storm water management controls and earth disturbance activity. This application shall become part of the plan submission required by Article IV of this ordinance.

E. EXPIRATION AND RENEWAL

A. All drainage permits shall expire thirty-six (36) months from the date of issuance.

B. A renewal of the expired drainage permit may be issued by the municipality following a re-submittal of the drainage permit application form. Additional fees must be paid for the re-submittal of an expired permit.

C. The refusal of the governing body to reissue and expired drainage permit shall contain the reasons for such refusal.

1. Changes in project site conditions and requirements for the drainage plan may occur over a period of time.

2. If the requirements for the drainage plan have changed as determined by the governing body, reapplication, review, and permit issuance requirements must be performed pursuant to this ordinance.

Section 1815 **INSPECTIONS**

A. SCHEDULE OF INSPECTIONS

The applicant's engineer or qualified designee shall make inspections according to the submitted and approved inspection schedule. At the completion of the project, and as a prerequisite for the release of guarantee as described in Article VIII of this ordinance, the owner or his designee shall:

1. Provide a certificate of the completion from an engineer, architect or surveyor or other qualified person verifying that the inspections have been made and that all permanent facilities/controls have been constructed according to the plans and specifications and approved revisions thereto.

2. Submit any testing results such as the compaction of the earth berm for any detention basins if required by the governing body.

3. Any portion of the work which does not comply with the approved plans must be corrected by the permittee within that time period specified by the governing body or designee. No work may proceed on any subsequent phase of the drainage site plan, the subdivision or land development or building construction until the required corrections have been made.

4. If at any stage of the work, the governing body or its designee determines that the soil or other conditions are not as stated or shown in the approved application, the governing body may suspend or revoke existing permits until a revised plan is submitted and approved, as required by Section 405 of this ordinance.

Section 1816 **FEEES AND EXPENSES**

A. GENERAL

Drainage permit fees covering costs to the governing body for plan review, permit issuance and inspections shall be established by either ordinance resolution of the governing body. No permit to begin any work on the project shall be issued and no reviews performed until the requisite fees have been paid. The submission shall be considered incomplete if the required fees have not been paid.

B. MODIFICATION OF PLANS

If it is determined that a modification to the existing drainage site plan is required under Section 405 of this ordinance, a new drainage permit shall not be issued until the additional fees have been paid by the application.

C. EXPENSES COVERED BY FEES

The fees payable by an applicant shall at a minimum cover:

1. The review of drainage plan by the Municipality.

2. The site inspection.

3. An inspection of required controls and improvements during construction.

4. The final inspection upon completion of the controls and improvements required by the plan.

5. Any additional work required to enforce the permit provisions, correct violations, and assure the completion of stipulated remedial actions.

Section 1817 **FINANCIAL GUARANTEES AND MAINTENANCE**

A. PERFORMANCE GUARANTEES

See Article VI, Section 601 of the Bradford County Subdivision and Land Development Ordinance.

B. MAINTENANCE GUARANTEES

See Article IV, Section 402.01 of the Bradford County Subdivision and Land Development

Ordinance.

C. IMPROVEMENTS AGREEMENT

See Subdivision IV, Section 402.01 of the Bradford County Land Development Ordinance.

D. MAINTENANCE BY INDIVIDUAL OR MULTIPLE OWNERSHIP(S)

The maintenance responsibilities for permanent storm water control facilities/controls shall be determined based upon ownership of the property.

A. Single Entity Ownership – In all cases where the permanent storm water runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibility for the storm water control facilities shall be with the single entity owner. In this case a legally binding agreement between the entity and the municipality shall be made providing for maintenance of all permanent control facilities, and allowing inspection by the municipality of all such facilities at any reasonable time. A single entity shall be defined as an individual, association, public or private corporation, partnership, firm, trust, estate or any other legal entity empowered to own real estate.

B. Multiple Ownership – In cases where the property is in multiple ownership (i.e. many individual owners of various portions of the property) the developer(s) shall enter into an agreement with the municipality to determine the maintenance of the permanent storm water facilities/controls.

C. When storm water management control measures are located on an individual lot, and when they are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

D. If the municipality determines at any time that any permanent storm water management control facility or the interim and permanent erosion and sediment control facilities have been eliminated, altered or improperly maintained the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the municipality may cause the work to be done and lien all costs against the property. This provision is in addition to any remedies under Section 904 of this Ordinance.

Section 1818 **RIGHT-OF-WAY**

Duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Ordinance.

Section 1819 **ENFORCEMENT**

The governing body is hereby authorized and directed to enforce all of the provisions of this Ordinance. All inspections regarding compliance with the drainage plan shall be the responsibility of the municipal engineer or other person designated by the municipality.

A. A set of design plans approved by the municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the municipality or designee during construction.

B. Adherence to Approved Plan.

It shall be unlawful for any person, firm or corporation to undertake any earth disturbance activity on any property except as provided for in the approved drainage plan and pursuant to this Ordinance. It shall be unlawful to alter or remove any control structure required by the drainage plan pursuant to this ordinance or to allow the property to remain in a condition which does not conform to the approved drainage plan.

C. At the completion of the project, and as a prerequisite for the release of the guarantee, the owner or his representative shall:

1. Provide a certification of completion from an engineer, architect, surveyor or other

qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.

2. Provide a set of as built drawings.

D. After receipt of the certification of completion by the municipality, a final inspection shall be conducted by the governing body or its designee to certify compliance with this Ordinance.