

# **CHAPTER 20-A**

## **STORMWATER MANAGEMENT**

### **PART 1**

#### **GENERAL PROVISIONS**

- §101. Short Title**
- §102. Statement of Findings**
- §103. Purpose**
- §104. Statutory Authority**
- §105. Applicability/Regulated Activities**
- §106. Repealer**
- §107. Severability**
- §108. Compatibility With Other Ordinance Requirements**

### **PART 2**

#### **DEFINITIONS**

- §201. Interpretation**
- §202. Definitions**

### **PART 3**

## **STORMWATER MANAGEMENT**

- §301. General Requirements**
- §302. Requirements by Other Governmental Entities**
- §303. Erosion and Sediment Pollution Control During Regulated Earth Disturbance Activities**
- §304. Nonstructural Project Design (Sequencing to Minimize Stormwater Impacts)**
- §305. Ground Water Recharge (Infiltration/Recharge/Bioretention)**
- §306. Water Quality Requirements**
- §307. Streambank Erosion Requirements**
- §308. Stormwater Management Districts**
- §309. Calculation Methodology**
- §310. Other Requirements**

### **PART 4**

## **SWM SITE PLAN REQUIREMENTS**

- §401. General Requirements**
- §402. Exemptions**

- §403. SWM Site Plan Contents**
- §404. Plan Submission**
- §405. SWM Site Plan Review**
- §406. Modification of Plans**
- §407. Resubmission of Disapproved SWM Plans**

## **PART 5**

### **INSPECTIONS**

- §501. Schedule of Inspections**

## **PART 6**

### **FEES AND EXPENSES**

- §601. Borough SWM Site Plan Review and Inspection Fee**
- §602. Expenses Covered by Fees**

## **PART 7**

### **MAINTENANCE RESPONSIBILITIES**

- §701. Performance Guarantee**
- §702. Adherence to Approved Stormwater Control and BMP Operations and Maintenance Plan**
- §703. Operations and Maintenance Agreement for Privately Owned Stormwater Controls and BMPs**
- §704. Stormwater Management Easements**
- §705. Recording of Approved Stormwater Control and BMP Operations and Maintenance Plan and Related Agreements**
- §706. Borough Stormwater Control and BMP Operation and Maintenance Fund**

## **PART 8**

### **PROHIBITIONS**

- §801. Prohibited Discharges and Connections**
- §802. Roof Drains**
- §803. Alteration of SWM BMPs**

## **PART 9**

### **ENFORCEMENT AND PENALTIES**

- §901. Right-of-Entry**

- §902.      Public Nuisance**
- §903.      General Enforcement**
- §904.      Suspension and Revocation of Permits and Approvals**
- §905.      Penalties**
- §906.      Notification**
- §907.      Enforcement**
- §908.      Appeals**

**PART 1****GENERAL PROVISIONS****§101. Short Title.**

This Ordinance shall be known and may be cited as “Wyomissing Borough Stormwater Management Ordinance”.

**§102. Statement of Findings. The Borough Council of Wyomissing Borough finds that:**

- (a) Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- (b) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- (c) A comprehensive program of stormwater management (SWM), including minimization of impacts of development, redevelopment and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of the Borough and all the people of the Commonwealth, their resources, and the environment.
- (d) Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed poses a threat to surface and groundwater quality.
- (e) Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- (f) Impacts from stormwater runoff can be minimized by using project designs that maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems. The most cost

effective and environmentally advantageous way to manage storm water runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e. stream buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.

- (g) Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- (h) 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).
- (i) Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Borough.

### **§103. Purpose.**

The purpose of this Ordinance is to promote the public health, safety, and welfare within Wyomissing Borough by maintaining the natural hydrologic regime by minimizing the impacts described in Section 102 of this Ordinance through provisions designed to:

- (a) Promote alternative project designs and layout that minimizes impacts to surface and ground water.
- (b) Promote nonstructural Best Management Practices (BMPs).
- (c) Minimize increases in stormwater volume.
- (d) Minimize impervious surfaces.
- (e) Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems.
- (f) Provide review procedures and performance standards for stormwater planning and management.
- (g) Utilize and preserve the existing natural drainage systems.
- (h) Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- (i) Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.

- (j) Maintain existing base flows and quality of streams and watercourses, where possible.
- (k) Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Ordinance 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.
- (l) Address the quality and quantity of stormwater discharges from the development site.
- (m) Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- (n) Implement an illegal discharge detection and elimination program to address non-stormwater discharges into the Borough’s separate storm sewer system.
- (o) Preserve and restore the flood-carrying capacity of streams.
- (p) Prevent scour and erosion of streambanks and streambeds.
- (q) Provide performance standards and design criteria for watershed-wide stormwater management and planning.
- (r) Provide proper operation and maintenance of all permanent stormwater management facilities and BMPs that are implemented in the Borough.
- (s) NPDES Requirements. Federal regulations approved October 1999 require operators of small municipal separate storm sewer systems (MS4s) to obtain NPDES Phase II permits from PaDEP by March 2003. (NPDES II is an acronym for the National Pollutant Discharge Elimination System Phase II Stormwater Permitting Regulations.) This program affects all municipalities in “urbanized areas” of the state. This definition applies to all Schuylkill River watershed municipalities identified in Table III-1 of the Schuylkill River Stormwater Management Plan Volume II as NPDES Phase II municipalities. Therefore, these identified municipalities will be subject to the NPDES Phase II requirements mandated by the Federal Clean Water Act as administered by PaDEP. For more information on NPDES II requirements, contact the PaDEP Regional Office.

#### **§104. Statutory Authority.**

- (a) Primary Authority. The Borough 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 “Storm Water Management Act” and the Pennsylvania Second Class Borough Code, 53 P.S. Section 65101, et seq., as amended.

- (b) Secondary Authority. The Borough also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

### **§105. Applicability/Regulated Activities.**

All Regulated Activities and all activities that may affect stormwater runoff, including Land Development and Earth Disturbance Activity, are subject to regulation by this Ordinance.

### **§106. Repealer.**

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

### **§107. 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.

### **§108. Compatibility With Other Ordinance Requirements.**

Approvals issued and actions taken under this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities by any other code, law, regulation or ordinance.

(Ord. 1358, 1/14/2014, §1).

## PART 2

### DEFINITIONS

#### **§201. Interpretation.**

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 word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
- (d) The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- (e) The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained."

#### **§202. Definitions.**

**Accelerated Erosion** - The removal of the surface of the land through the combined action of man's activity and the natural processes of a rate greater than would occur because of the natural process alone.

**Agricultural Activities** - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this Ordinance construction of new buildings or impervious area is not considered an agricultural activity.

**Alteration** - As applied to land, a change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; land disturbance.

**As-built drawings** - Those maintained by the Contractor as he constructs the project and upon which he documents the actual locations of the building components and changes to

the original contract documents. An accurately drafted version of same are turned over to the Borough at the completion of the project as the “record as-built drawings”.

**Applicant** - A person who has filed an application for approval to engage in any Regulated Activities as defined in Section 105 of this Ordinance.

**Bankfull** – The channel at the top-of-bank or point where water begins to overflow **onto** a floodplain.

**Base Flow** – Portion of stream discharge derived from groundwater; the sustained discharge that does not result from direct runoff or from water diversions, reservoir releases, piped discharges, or other human activities.

**Bioretention** – A stormwater retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

**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 this Ordinance, including but not limited to, structural and non-structural stormwater management practices and operation and maintenance procedures. See also Non-structured Best Management Practice (BMP).

**Borough** – Wyomissing Borough, Berks County, Pennsylvania.

**Borough Council** – The Borough Council of Wyomissing Borough.

**Borough Engineer** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough.

**Buffer** – The area of land immediately adjacent to any stream, measured perpendicular to and horizontally from the top-of-bank on both sides of a stream. (See Top of Bank)

**Channel** - A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full.

**Channel Erosion** - The widening, deepening, and headward cutting of small channels and waterways, caused by stormwater runoff or bankfull flows.

**Chapter 102** – Chapter 102 of the regulations of PaDEP, 25 Pa. Code Sect. 102.1 et seq.

**Chapter 105** - Chapter 105 of the regulations of PaDEP, 25 Pa. Code Sect. 105.1 et seq.

**Chapter 106** - Chapter 106 of the regulations of PaDEP, 25 Pa. Code Sect. 106.1 et seq.

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

**Conservation District** - The Berks County Conservation District.

**Culvert** - A structure with appurtenant works, which carries water under or through an embankment or fill.

**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.

**Department** – The Pennsylvania Department of Environmental Protection (PaDEP).

**Designee** - The agent of the Berks County Planning Commission, Berks County Conservation District and/or agent of the Borough Council involved with the administration, review or enforcement of any provisions of this Ordinance by contract or memorandum of understanding.

**Design Professional (Qualified)** – Any person licensed by the Pennsylvania Department of State as a Professional Engineer.

**Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems.

**Designated Watershed** (ACT 167) – A Watershed which is listed under the Pennsylvania Department of Environmental Protection’s “Index of Designated Watersheds (Stormwater Management)” pursuant to the Stormwater Management Act P.L. 864, No. 167, October 4, 1978, and published in the Pennsylvania Bulletin on May 31, 1980 and August 9, 1980, as amended on November 19, 1991, April 21, 1992, June 21, 1994, April 16, 1996, April 15, 1997 and December 16, 1997).

**Detention Basin** - An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

**Developer** – A person that seeks to undertake any Regulated Activities at a project site in the Borough.

**Development** – Any human-induced change to improved or unimproved real estate, whether public or private, including but not limited to land development, construction, installation, or expansion of a building or other structure, land division, street construction, drilling, and site alteration such as embankments, dredging, grubbing, grading, paving, parking or storage facilities, excavation, filling, stockpiling, or clearing.

As used in this Ordinance, development encompasses both new development and redevelopment.

**Development Site** - The specific tract of land where any Regulated Activities in the Borough are planned, conducted or maintained.

**Diffused Drainage Discharge** – Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

**Discharge** – 1. (verb) To release water from a project, site, aquifer, drainage basin or other point of interest 2. (noun) The rate and volume of flow of water such as in a stream, generally expressed in cubic feet per second (volume per unit of time). See also Peak Discharge

**Discharge Point** – The point of discharge for a stormwater facility.

**Disturbed Areas** – Unstabilized land area where an earth disturbance activity is occurring or has occurred.

**Ditch** – An artificial waterway for irrigation or stormwater conveyance.

**Downslope Property Line** - That portion of the property line of the lot, tract, or parcels of land being developed located such that overland or pipe flow from the site would be directed towards it.

**Drainage Conveyance Facility** - A Stormwater Management Facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

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

**Drainage Permit** - A permit issued by the Borough after the SWM Site Plan has been approved.

**SWM Site Plan** - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance.

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

**Emergency Spillway** – A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the stormwater facility.

**Encroachment** – A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

**Ephemeral Stream** - A transient stream, one that flows for a relatively short time.

**Erosion** - The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

**Erosion and Sediment Pollution Control Plan** - A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

**Exceptional Value Waters** – Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to anti-degradation).

**Existing Conditions** - The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower curve numbers or Rational "C" value, such as forested lands.

**Flood** - A temporary condition of partial or complete inundation of land areas from the overflow of streams, rivers, and other waters of this Commonwealth.

**Floodplain** - Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary - Mapped as being a special flood hazard area.

**Floodway** - The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to 50 feet from the top-of-bank.

**Fluvial Geomorphology** - The study of landforms associated with river channels and the processes that form them.

**Forest Management/Timber Operations** - Planning and activities necessary for the management of forest land with no change of land use proposed. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting and reforestation.

**Freeboard** - A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

**Grade** - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

**Grassed Waterway** - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

**Groundwater** - Water beneath the earth's surface, often between saturated soil and rock that supplies wells and springs.

**Groundwater Recharge** - Replenishment of existing natural underground water supplies without degrading groundwater quality.

**HEC-HMS** - The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS).

**High Quality Waters** – Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, § 93.4b(a).

**Hotspots** - Areas where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

**Hydrograph** – A graph of discharge versus time for a selected point in the drainage system.

**Hydrologic Regime (natural)** – The hydrologic cycle or balance that sustains quality and quantity of stormwater, baseflow, storage, and groundwater supplies under natural conditions.

**Hydrologic Soil Group, -** A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

**Impervious Surface** - A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to be gravel or crushed stone shall be assumed to be impervious surfaces.

**Impoundment** - A retention or detention basin designed to retain stormwater runoff and release it at a controlled rate.

**Infill** – Development that occurs on smaller parcels that remain undeveloped but are within or very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer or other public utilities.

**Infiltration** – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolates downward to recharge groundwater.

**Infiltration Structures** - A structure designed to direct runoff into the underground water (e.g., french drains, seepage pits, seepage trench).

**Inlet** - The upstream end of any structure through which water may flow.

**Intermittent Stream** - A stream that flows only part of the time. Flow generally occurs for several weeks or months in response to seasonal precipitation, due to groundwater discharge.

**Karst** – A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.

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

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) 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
  - (2) 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;
- (b) A subdivision of land;
- (c) Development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

**Limiting zone** – A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- (a) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- (b) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- (c) A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

**Lineament** - A fracture on the order of 10's of kilometers long, usually extending to the basement below sedimentary rock.

**Lot** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Main Stem (Main Channel)** – Any stream segment or other runoff conveyance facility used as a reach in the hydrologic model for any watershed covered in this Ordinance.

**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.

**Natural Condition** – Existing conditions

**Natural Hydrologic Regime** (see hydrologic regime)

**Natural Recharge Area** – Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

**Nonpoint Source Pollution** - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

**Non-stormwater Discharges** – Water flowing in stormwater collection facilities, such as pipes or swales, which is not the result of a rainfall event or snowmelt.

**Nonstructural Best Management Practice (BMPs)** – Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

**NPDES** - National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to PaDEP in Pennsylvania.

**NRCS** - Natural Resource Conservation Service (previously SCS).

**Open Channel** – A drainage element in which stormwater flows with an open surface. Open channels include, but shall not be limited to natural and man-made drainageways, swales, streams, ditches, canals and pipes flowing partially full.

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

**Outlet** – Points of water disposal to a stream, river, lake, tidewater or artificial drain.

**Parent Tract** – The parcel of land from which a land development or subdivision originates, determined from the date of the Borough’s adoption of this Ordinance.

**Parking Lot Storage** – Involves the use of parking areas as temporary impoundments with controlled release rates during rainstorms.

**Peak Discharge** – The maximum rate of stormwater runoff from a specific storm event.

**Penn State Runoff Model** – The computer-based hydrologic model developed at the Pennsylvania State University.

**Pipe** – A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

**Planning Commission** – The planning commission of Wyomissing Borough.

**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.

**Post Construction** – Period after construction where disturbed areas are stabilized, stormwater controls are in place and functioning and all proposed improvements in the approved land development plan are completed.

**Pretreatment** – Techniques employed in stormwater BMPs to provide storage or filtering to trap coarse materials and other pollutants before they enter the system, but not necessarily meet the water quality volume requirements of Section 306.

**Project Site** – The specific area of land where any Regulated Earth Disturbance activities in the Borough are planned, conducted or maintained.

**Qualified Person or Qualified Professional** – Any person licensed by the Pennsylvania Department of State as a Professional Engineer.

**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.

**Rational Formula** - A rainfall-runoff relation used to estimate peak flow.

**Recharge** – The replenishment of groundwater through the infiltration of rainfall, other surface waters, or land application of water or treated wastewater.

**Reconstruction** – Demolition of, and subsequent rebuilding of impervious surface.

Record As-built Drawings - Original documents revised to suit the as-built conditions and subsequently provided by the applicant to the Borough.

**Redevelopment** – The demolition, construction, reconstruction, alteration, or improvement exceeding 2,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional, or multifamily residential. Maintenance activities such as top-layer grinding and re-paving are not considered to be redevelopment. Interior remodeling projects and tenant improvements are also not considered to be redevelopment. Utility trenches in streets are not considered redevelopment unless more than 50% of the street width is removed and re-paved.

**Regulated Activities** – Any actions or proposed actions that involve the alteration or development of land in a manner that may affect stormwater runoff.

**Regulated Earth Disturbance Activity** – Activity involving Earth Disturbance subject to regulation under 25 PA Code Chapters 92, Chapter 102, or the Clean Streams Law.

**Release Rate** – The percentage of existing conditions peak rate of runoff from a site or subarea to which the proposed conditions peak rate of runoff must be reduced to protect downstream areas.

**Repaving** – Replacement of the impervious surface that does not involve reconstruction of an existing paved (impervious) surface.

**Replacement Paving** – Reconstruction of and full replacement of an existing paved (impervious) surface.

**Retention Basin** – A structure in which stormwater is stored and not released during the storm event. Retention basins do not typically have an outlet to other downstream conveyance features such as channels, storm sewer, or other surface waters. Generally, these features empty via recharge and must infiltrate stored water in no more than 4 days.

These features may have an emergency spillway or other overflow device for large events.

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

**Riser** – A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

**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.

**Roof Drains** – A drainage conduit or pipe that collects water runoff from a roof and leads it away from the structure.

**Rooftop Detention** – Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

**Runoff** – Any part of precipitation that flows over the land surface.

**SALDO** – The Borough Subdivision and Land Development Ordinance.

**Sediment Basin** – A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

**Sediment Pollution** – The placement, discharge or any other introduction of sediment into the waters of the Commonwealth.

**Sedimentation** – The process by which mineral or organic matter is accumulated or deposited by the movement of water or air.

**Seepage Pit/Seepage Trench** – 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.

**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.

**Shallow Concentrated Flow** – Stormwater runoff flowing in shallow, defined ruts prior to entering a defined channel or waterway.

**Sheet Flow** – A flow process associated with broad, shallow water movement on sloping ground surfaces that is not channelized or concentrated.

**Soil-Cover Complex Method** – A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

**Source Water Protection Areas (SWPA)** – The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

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

**Special Protection Subwatersheds** – Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

**Spillway** – A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

**State Water Quality Requirements** – The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.

**Storage Indication Method** – A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

**Storm Frequency** – The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

**Storm Sewer** – A system of pipes and/or open channels that conveys intercepted runoff and stormwater from other sources, but excludes domestic sewage and industrial wastes.

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

**Stormwater Management District** – Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

**Stormwater Management Facility** – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff quality, rate or quantity. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

**Stormwater Management Plan** – The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact the tributaries within any Watershed for which Berks County has adopted a Stormwater Management Plan as required by the Act of October 4, 1978, P.L. 864, (Act 167).

**Stormwater Management Site Plan** – The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance.

**Stream** – A natural watercourse.

**Stream Buffer** – The land area adjacent to each side of a stream, essential to maintaining water quality. (See Buffer)

**Stream Enclosure** – A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

**Subarea (Subwatershed)** – The smallest drainage unit of a watershed for which stormwater management 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, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface, 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.

**Timber Operations** – See Forest Management.

**Time-of-Concentration (Tc)** – The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

**Top-of-Bank** – Highest point of elevation in a stream channel cross section at which a rising water level just begins to flow out of the channel and over the floodplain.

**Vernal Pond** – Seasonal depressional wetlands that are covered by shallow water for variable periods from winter to spring, but may be completely dry for most of the summer and fall.

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

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

**Watershed** – Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

**Wellhead** – 1. a structure built over a well, 2. the source of water for a well.

**Wellhead Protection Area** – The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source.

**Wet Basin** – Pond for urban runoff management that is designed to detain urban runoff and always contains water.

**Wetland** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

(Ord. 1358, 1/14/2014, §1).

## PART 3

### STORMWATER MANAGEMENT

#### **§301. General Requirements.**

- (a) Applicants proposing regulated activities in Wyomissing Borough which do not fall under the exemption criteria shown in Section 402 shall submit a SWM Site Plan consistent with this Ordinance to the Borough for review. These criteria shall apply to the total proposed development even if development is to take place in stages.
- (b) All regulated activities involving an increase in impervious cover, a diversion of stormwater runoff crossing or leaving a site, or an alteration to the existing groundcover, shall be conducted in conformance with the provisions of this Ordinance.
- (c) The Applicant is required to evaluate practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth, and must maintain as much as possible the natural hydrologic regime
- (d) The SWM Site Plan must be designed consistent with the sequencing provisions of Section 304 to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge and protect groundwater and surface water quality and quantity. The SWM Site Plan designer must proceed sequentially in accordance with Part 3 of this Ordinance.
- (e) Existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- (f) Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this Ordinance. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.
- (g) Where a development site is traversed by existing watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall conform to the Riparian Corridor Conservation

District Overlay limits as defined within Section 601 of the Southwestern Berks County Zoning Ordinance.

- (h) Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PaDEP through the Joint Permit Application process, or, where deemed appropriate by PaDEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PaDEP.
- (i) Any stormwater management facilities that would be located within State highway rights-of-way or any alteration that affects stormwater flow directly or indirectly toward a PennDOT facility shall be subject to PennDOT regulations.
- (j) Minimization of impervious surfaces and infiltration of runoff through seepage beds, infiltration trenches, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- (k) Roof drains shall not be connected to impervious surfaces in order to promote overland flow and infiltration/ percolation of stormwater where advantageous to do so. When site conditions preclude infiltration/percolation, then it shall be permitted on a case by case basis by the Borough.
- (l) All stormwater runoff shall be treated for water quality
- (m) Transference of runoff to or from an EV/HQ watershed is prohibited unless otherwise authorized by PaDEP, DRBC or SRBC.
- (n) Projects proposing alternative control measures not covered in this Ordinance may be permitted. The Borough may, after consultation with DEP, approve measures for meeting the State 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.
- (o) Low Impact Development (LID) should be used to the maximum extent practicable.
- (p) The design of any proposed stormwater management facilities should be generally consistent with the DEP Stormwater BMP Manual, as amended and updated.
- (q) Conservation easements will be required in accordance with the Borough's Zoning and Subdivision and Land Development Ordinances.

- (r) SWM Site Plans approved by the Borough in accordance with this Ordinance shall be on site throughout the duration of the regulated activity.

### **§302. Requirements by Other Government Entities.**

All activities regulated by this Ordinance must comply with any and all applicable local, county, state and federal regulations.

### **§303. Erosion and Sediment Pollution Control During Regulated Earth Disturbance Activities.**

- (a) Whenever the vegetation and topography are to be disturbed, such activity must be in conformance with Chapter 102, Title 25, Rules and Regulations, Part I, Commonwealth of Pennsylvania, Department of Environmental Protection, Subpart C, protection of natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control,".
- (b) No Regulated Earth Disturbance activities within the Borough shall commence until the Borough receives an approval from the Conservation District of an Erosion and Sediment Pollution Control Plan for construction activities.
- (c) PaDEP has regulations that require an Erosion and Sediment Pollution Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- (d) In addition, under 25 Pa. Code Chapter 92, a PaDEP "NPDES Construction Activities" permit is required for Regulated Earth Disturbance activities.
- (e) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PaDEP regional office or County Conservation District must be provided to the Borough. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements subsection 303.(a).
- (f) A copy of the Erosion and Sediment Pollution Control plan and any required permit, as required by PaDEP regulations, shall be available at the project site at all times.
- (g) Additional erosion and sediment pollution control design standards and criteria, recommended to be applied where infiltration BMPs are proposed, shall include the following:
  - (1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.

- (2) Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization
- (h) Erosion and sediment pollution control devices shall be installed concurrently with earthmoving activities and whenever a situation is created which would contribute to increased erosion.
- (i) No earthmoving or stripping of vegetation will be conducted in areas of greater than thirty-three (33) percent slope unless specific approval is obtained from the Borough.
- (j) Earthmoving and the addition of fill shall be maintained where possible and practicable to preserve desirable natural features and the topography of the site. Changes in grade and topography and other earthmoving shall be in accordance with the approved Erosion and Sediment Pollution Control Plan.
- (k) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion.
- (l) All clearing and grading operations shall comply with the requirements for tree preservation included in Wyomissing Borough Zoning and Subdivision and Land Development Ordinances.
  - (1) Land disturbance shall be limited to the actual construction site and an access strip. The amount of disturbed area and the duration of exposure shall be kept to a practical minimum.
  - (2) To the maximum extent practicable, mature healthy trees of at least six (6) inches trunk width measured three (3) feet above the average surrounding ground level shall be retained and protected. Such trees shall not be removed except as provided on the approved subdivision or land development plan and in accordance with the applicable provisions of Wyomissing Borough Zoning Ordinance. The filling of soil over the roots of trees to be preserved is prohibited. (The roots are presumed to extend out from the tree as far as the tree's branches extent outward.)
- (m) Procedures for protecting soils or geologic structures with water supply potential from contamination by surface water or other disruption by construction activity shall be established in consultation with the Borough and such areas shall include, at minimum, those underlain by carbonate limestone formations. The Borough may require pollution control facilities to be provided on existing and proposed stormwater management systems within or adjacent to the project site
- (n) Provisions for protecting existing wells or other water supplies shall be established.

- (o) Unless otherwise permitted, graded slopes shall not be steeper than three (3) horizontal units to one (1) vertical unit.
- (p) A minimum of four (4) inches of topsoil shall be provided on all disturbed areas prior to final seeding and mulching.
- (q) Adequate erosion protection shall be provided along all open channels, and at all points of discharge (PaDEP Erosion, Sediment and Pollution Control Manual).
- (r) Sediment and erosion pollution control facilities shall be designed according to applicable governmental standards, specifically the following:
  - (1) PaDEP sediment and erosion control plan requirements in Chapter 102, Title 25 [Pa.Code].
    - a. Berks County Conservation District standards, which has been delegated by the Pennsylvania Department of Environmental Protection to enforce the erosion and sediment pollution control plan.
    - b. It shall be the responsibility of the applicant to submit the application and other necessary material to the Berks County Conservation District. Comments shall be received and compliance therewith accomplished prior to final plan approval.
- (s) For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g. during construction) to meet the purposes and requirements of this Ordinance and to meet all the requirements under the Pennsylvania Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual) 2, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008, as amended and updated.

**§304. Nonstructural Project Design (Sequencing to Minimize Stormwater Impacts).**

- (a) For projects disturbing one (1) acre or more, the design of all Regulated Activities shall include evaluation of practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces, and the degradation of waters of the Commonwealth, and must maintain as much as possible the natural hydrologic regime of the site.

- (1) An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes, and other Borough requirements.
- (2) All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.

(b) The Applicant shall demonstrate that the design of Regulated Activities that disturb one (1) acre or more include the following issues:

- (1) Preparation of an Existing Resource and Site Analysis Map (ERSAM), showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, flood plains, stream buffer zones, hydrologic soil groups A and B (areas conducive to infiltration), areas of limestone or karst geology, special geologic features, any existing recharge areas and any other requirements outlined in the Borough Subdivision and Land Development Ordinance.
- (2) Establishment of appropriate buffers for each of the delineated environmentally sensitive areas per the Borough Zoning Ordinance and this Ordinance (See Section 306(f) for stream buffers and Section 310(k) for special geologic feature buffers).
- (3) Preparation of a draft project layout avoiding sensitive areas identified in Section 304(b)(1).
- (4) Identification of site specific existing conditions drainage areas, discharge points, recharge areas and hydrologic soil groups A and B.
- (5) Evaluation of Nonstructural Stormwater Management Alternatives:
  - (i) Minimization of earth disturbance.
  - (ii) Minimization of impervious surfaces.
  - (iii) Break up of large impervious surfaces.
- (6) Compliance with the infiltration objective (Section 305) and provisions for stormwater pretreatment prior to infiltration. Pretreatment may not be necessary for rooftop runoff which enters the infiltration facility directly from a roof leader.
- (7) Compliance with water quality provisions (Section 306) and streambank erosion protection objective (Section 307).

- (8) Determination of applicable Management District (Appendix D) and performance of an existing conditions runoff analysis.
- (9) Preparation of final project design to maintain existing conditions drainage areas and discharge points, to minimize earth disturbance and impervious surfaces, and to the maximum extent possible, to ensure the remaining site development has no surface or point discharge.
- (10) Performance of a proposed conditions runoff analysis based on the final design, and meeting the release rate and the overbank flow and extreme event requirements (Section 308).
- (11) Management of any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control.

### **§ 305. Ground Water Recharge (Infiltration/Recharge/Bioretention).**

Maximizing the ground water recharge capacity of the area being developed is required. Design of the infiltration stormwater management facilities shall give consideration to providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs which can be over-designed to compensate for runoff from, and infiltration losses due to, parking areas. These measures are required to be consistent with Section 103, and take advantage of utilizing any existing recharge areas.

Infiltration may not be feasible on every site due to site-specific limitations such as soil type. If it cannot be physically accomplished, due to seasonal high water table, soil permeability rate, soil depth or setback distances from special geologic features, then the design professional shall be responsible to show that this cannot be physically accomplished. If it can be physically accomplished, then the volume of runoff to be infiltrated shall be determined from Sections 305(a)(3) depending on demonstrated site conditions and shall be the greater of the two volumes.

- (a) Infiltration BMPs shall meet the following minimum requirements:
  - (1) Infiltration Requirements. Regulated activities will be required to infiltrate, where site conditions permit, a portion of the runoff created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be infiltrated shall be determined from Sections 305(a)(3)(i) or 305(a)(3)(ii), depending upon demonstrated site conditions.
  - (2) Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:

- (i) A minimum depth of 24 inches between the bottom of the BMP and the limiting zone.
- (ii) An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Applicant's design professional.
- (iii) The infiltration facility shall be capable of completely infiltrating the required retention (infiltration) volume within 4 days (96 hours).
- (iv) Pretreatment shall be provided prior to infiltration. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality

(3) The size of the infiltration facility shall be based upon the following volume criteria:

- (i) NRCS Curve Number equation.

The NRCS runoff equation shall be utilized to calculate infiltration requirements (I) in inches.

I (Infiltration requirement, in inches) = (200 / CN) – 2	Eqn: 305.1
--	------------

Where:

CN = SCS (NRCS) curve number of existing conditions contributing to the infiltration facility.

This equation is displayed graphically in, and the infiltration requirement can be determined from Figure 305.1.

It has been determined that infiltrating 0.46 inches of runoff from the impervious areas will aid in maintaining the hydrologic regime of the watershed. However, the rounded number 0.5 inches will be used.

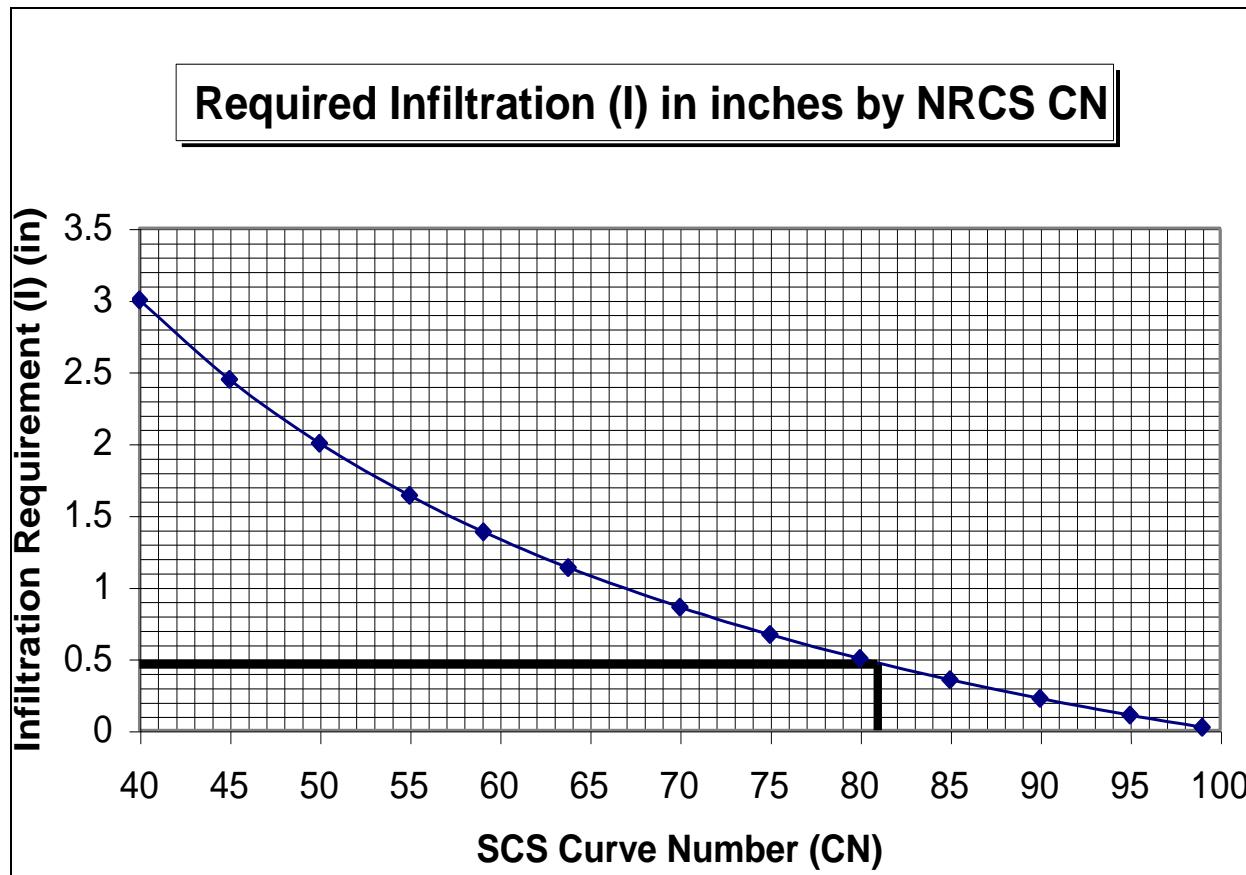


Figure 305.1. Infiltration requirement based upon NRCS Curve Number.

The retention (infiltration) volume ( $Re_v$ ) required to meet the infiltration requirement would therefore be computed as:

$$Re_v = (0.5 \text{ or } I, \text{ whichever is greater})^* \text{ impervious area (square feet) / (12 in/ft) = Cubic Feet}$$

Eqn: 305.2

Where:

$I$  = infiltration requirements (in inches.)

(ii) Annual Recharge – Water Budget Approach.

If the goals of Sections 305(a)(3)(i) cannot be achieved, then 0.5 inches of rainfall shall be infiltrated from all impervious areas, up to an existing site conditions curve number of 81. Above a curve number of 81, Equation 305.1 or the curve in Figure 305.1 should be used to determine the infiltration requirement.

The retention (infiltration) volume ( $Re_v$ ) required again would therefore be computed as:

$$Re_v = (0.5 \text{ or } I, \text{ whichever is greater}) * \text{impervious area (sq.ft.)} / (12 \text{in/ft}) = \text{Cubic Feet.}$$

(b) Soils - A detailed soils evaluation of the project site shall be required where practicable to determine the suitability of infiltration facilities. The evaluation shall be performed by a qualified design professional, and at a minimum, address soil permeability, depth to bedrock, presence of special geologic features and subgrade stability. The general process for designing the infiltration BMP shall be:

- (1) Analyze hydrologic soil groups as well as natural and man-made features within the site to determine general areas of suitability for infiltration practices. In areas where development on fill material is under consideration, conduct geotechnical investigations of sub-grade stability; infiltration is not permitted to be ruled out without conducting these tests.
- (2) Provide field tests such as double ring infiltrometer or hydraulic conductivity tests (at the level of the proposed infiltration surface) to determine the appropriate hydraulic conductivity rate. Percolation tests are not recommended for design purposes.
- (3) Design the infiltration structure for the required retention ( $Re_v$ ) volume based on field determined capacity at the level of the proposed infiltration surface.
- (4) If on-lot infiltration structures are proposed by the Applicant's design professional, it must be demonstrated to the Borough that the soils are conducive to infiltrate on the lots identified.

(c) Carbonate Areas – The Applicant is required to investigate the ability of all areas on the site which are not underlain by carbonate rock to meet the infiltration requirements of Section 305(a). If this investigation proves infeasible, infiltration may occur on areas underlain by carbonate rock. Nevertheless, extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas. Design of such infiltration facilities shall follow the recommended procedure below in conjunction with Figure B-1 in Ordinance Appendix B; *however, the Applicant is not required to use infiltration in carbonate areas even if the site falls into the "Recommended" range on Figure B-1 in Ordinance Appendix B.* If infiltration is not proposed, the calculated infiltration volume (Section 305(a)) shall be treated by an acceptable BMP.

Infiltration BMP loading rate percentages in Figure B-1 in Ordinance Appendix B shall be calculated as follows:

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

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

Area Description	Weighting
All disturbed area to be made impervious	100%
All disturbed areas to be made pervious	50%
All undisturbed impervious areas	100%
All undisturbed pervious areas	0%

Soil thickness is to be measured from the bottom of any proposed infiltration BMP. The effective soil thickness in Figure B-1 in Ordinance Appendix B is the measured soil thickness multiplied by the thickness factor based on soil permeability, as follows:

Permeability Range	Thickness Factor
6.0 to 12.0 inches/hr	0.8
2.0 to 6.0 inches / hr	1.0
1.0 to 2.0 inches/hr	1.4
0.75 to 1.0 inches/hr	1.2
0.5 to 0.75 inches/hr	1.0

The design of all facilities over Karst shall include an evaluation of measures to minimize adverse effects.

(d) Stormwater Hotspots – Following is a list of examples of designated hotspots. If the Borough designates a site or use as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots shall not be allowed to recharge into groundwater where it may contaminate water supplies. Therefore, the Rev requirement shall NOT be applied to development sites that fit into the hotspot category (the entire WQv must still be treated). Second, a greater level of stormwater treatment shall be considered at hotspot sites to prevent pollutant washoff after construction. EPA's NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

Examples of Hotspots:

- Vehicle salvage yards and recycling facilities
- Vehicle fueling stations
- Vehicle service and maintenance facilities
- Vehicle and equipment cleaning facilities
- Fleet storage areas (bus, truck, etc.)
- Industrial sites (based on Standard Industrial Codes)

- Marinas (service and maintenance)
- Outdoor liquid container storage
- Outdoor loading/unloading facilities
- Public works storage areas
- Facilities that generate or store hazardous materials
- Commercial container nursery
- Other land uses and activities as designated by an appropriate review authority

The following land uses and activities are not normally considered hotspots:

- Residential streets and rural highways
- Residential development
- Institutional development
- Office developments
- Non-industrial rooftops
- Pervious areas, except golf courses and nurseries (which may need an Integrated Pest Management (IPM) Plan).

While large highways (average daily traffic volume (ADT) greater than 30,000) are not designated as a stormwater hotspot; it is important to ensure that highway stormwater management plans adequately protect groundwater.

- (e) Where infiltration is proposed in Source Protection Areas as defined by the Borough, Municipal Authority or other local water provider, the applicant shall work with the appropriate entity to ensure protection of the water supply.
- (f) Infiltration facilities shall be used in conjunction with other innovative or traditional stormwater control facilities that are found within the PaDEP State BMP Manual.
- (g) Where salt or chloride (salt storage) would be a pollutant, since soils do little to filter this pollutant and it may contaminate the groundwater, a qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration facility and perform a hydrogeologic justification study if necessary.
- (h) The infiltration requirement in High Quality or Exceptional Value waters shall be subject to the Department's Chapter 93 Antidegradation Regulations.
- (i) Dependent upon certain land uses or hotspots an impermeable liner will be required in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic study may be required by the Borough.
- (j) The Borough may, upon its sole discretion, require the Applicant to provide safeguards against groundwater contamination for land uses that may cause groundwater contamination should there be a mishap or spill.

(k) For projects that disturb one (1) acre or more, unless greater setbacks are specified in the Zoning Ordinance, the following setbacks for infiltration facilities shall apply:

- 100 feet from water supply wells
- 10 feet downslope or 100 feet upslope from building foundations
- 50 feet from septic system drainfields
- 100 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 100 feet of the proposed infiltration area;
- 100 feet from the property line unless documentation is provided to show all setbacks from wells, foundations and drainfields on the neighboring property will be met.

### § 306. Water Quality Requirements.

The applicant shall comply with the following water quality requirements of this Part.

(a) Developed areas shall provide adequate storage and treatment facilities necessary to capture and treat stormwater runoff. The infiltration volume computed under Section 305 may be a component of the water quality volume if the Applicant chooses to manage both components in a single facility. If the infiltration volume is less than the water quality volume, the remaining water quality volume may be captured and treated by methods other than infiltration BMPs. The required water quality volume ( $WQ_v$ ) is the storage capacity needed to capture and treat a portion of stormwater runoff from the developed areas of the site.

To achieve this goal, the following criterion is established:

The following calculation formula is to be used to determine the water quality storage volume, ( $WQ_v$ ), in acre-feet of storage for any watershed within Wyomissing Borough:

$$WQ_v = [(P)(R_v)(A)]/12 \quad \text{Eqn: 306.1}$$

$WQ_v$  = Water Quality Volume (acre-feet)

$P$  = 1 inch

$A$  = Total contributing drainage area to the water quality BMP (acres)

$R_v = 0.05 + 0.009(I)$  where  $I$  is the percent of the area that is impervious surface  
((impervious area/A)\*100)

This volume requirement can be accomplished by the permanent volume of a wet basin or the detained volume from other BMPs.

Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall provide for protection from clogging and unwanted sedimentation.

- (b) For areas within defined Special Protection subwatersheds which include Exceptional Value (EV) and High Quality (HQ) waters, Cold Water Fishery (CWF) the temperature and quality of water and streams shall be maintained.
- (c) To accomplish the above, the Applicant shall use innovative or traditional stormwater control facilities that are found within the PaDEP State BMP Manual.
- (d) If a perennial or intermittent stream passes through the site, the applicant shall create a stream buffer extending a minimum of fifty (50) feet to either side of the top-of-bank of the channel. The buffer area shall be maintained with appropriate native vegetation (Reference to Appendix H of Pennsylvania Handbook of Best Management Practices for Developing Area for plant lists). If the applicable rear or side yard setback is less than fifty (50) feet, the buffer width may be reduced to twenty-five (25) percent of the setback to a minimum of ten (10) feet. However, in no case shall such buffer be less in width than that specified for a riparian buffer in the Borough Zoning Ordinance. If an existing buffer is legally prescribed (i.e. deed, covenant, easement, etc.) and it exceeds the requirements of this Ordinance, the existing buffer shall be maintained. This does not include lakes or wetlands.
- (e) Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate PaDEP regional office must be provided to the Borough. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2) satisfies the requirements of subsection 306(a).
- (f) In selecting the appropriate BMPs 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.
- (g) The following additional factors SHOULD be considered when evaluating the suitability of BMPs used to control water quality at a given development site:
  - (1) Peak discharge and required volume control.
  - (2) Stream bank erosion.
  - (3) Efficiency of the BMPs to mitigate potential water quality problems.

- (4) The volume of runoff that will be effectively treated.
- (5) The nature of the pollutant being removed.
- (6) Maintenance requirements.
- (7) Creation/protection of aquatic and wildlife habitat.
- (8) Recreational value.
- (9) Enhancement of aesthetic and property value.

### **§ 307. Streambank Erosion Requirements.**

In addition to control of the water quality volume, in order to minimize the impact of stormwater runoff on downstream streambank erosion, the primary requirement is to design a BMP to detain the proposed conditions 2-year, 24-hour design storm to the existing conditions 1-year peak flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1-year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation is achieved in the facility). Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility).

The minimum orifice size in the outlet structure to the BMP shall be a three (3) inch diameter orifice and a trash rack shall be installed to prevent clogging. On sites with small contributing drainage areas to this BMP that do not provide enough runoff volume to allow a 24-hour attenuation with the 3 inch orifice, the calculations shall be submitted showing this condition. Orifice sizes less than 3 inches can be utilized provided that the design will prevent clogging of the intake.

### **§ 308. Stormwater Management Districts.**

- (a) The Watersheds within the Borough have been divided into stormwater management districts as shown on the Management District Map(s) in Appendix D.

In addition to the requirements specified in Tables 308.1a and 308.1.b below, the groundwater recharge (Section 305), water quality (Section 306), and streambank erosion control (Section 307), requirements shall be implemented.

Standards for managing runoff from each subarea in the Tulpehocken Creek and Schuylkill River Watersheds for all required design storms are shown in Tables 308.1.a and 308.1.b. Development sites located in each of the Districts must control proposed conditions runoff rates to existing conditions runoff rates for the design storms in accord with Tables 308.1.a through 308.1.b.

TABLE 308.1.a. – Water Quantity Requirements-  
Tulpehocken Creek Watershed

Management District	Proposed Condition Design Storm		Existing Condition Design Storm
A	2-year	Reduce To	1-year
	5- year		5-year
	10-year		10-year
	25-year		25-year
	50-year		50-year
	100-year		100-year
B-1	2-year	Reduce To	1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
	50-year		50-year
	100-year		100-year
C	2-year	Reduce To	1-year
	5-year		2-year
	10-year		10-year
	25-year		25-year
	50-year		50-year
	100-year		100-year

TABLE 308.1.b. – Water Quantity Requirements-  
Schuylkill River Watershed

Management District	Proposed Condition Design Storm		Existing Condition Design Storm
A	2-year	Reduce To	1-year
	5-year		5-year
	10-year		10-year
	25-year		25-year
	50-year		50-year
	100-year		100-year
B	2-year	Reduce To	1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
	50-year		25-year
	100-year		50-year
C	2-year	Reduce To	1-year
	5-year		5-year
	10-year		10-year
	25-year		25-year
	50-year		50-year
	100-year		100-year

All areas, regardless of the release rate, must still meet the requirements of the groundwater recharge criteria (Section 305), water quality criteria (Section 306), and streambank erosion criteria (Section 307).

- (b) General - Proposed condition rates of runoff from any regulated activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map (Ordinance Appendix D) and Section 308, of this Ordinance.
- (c) District Boundaries - The boundaries of the Stormwater Management Districts are shown on the official maps that are available for inspection at the Borough office. A copy of the official maps at a reduced scale are included in the Ordinance Appendix D. 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 (or most accurate data required) provided as part of the SWM Site Plan.

- (d) **Sites Located in More Than One District** - For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall meet the Management District Criteria for which the discharge is located, as indicated in Section 308. 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 recombine in proximity to the discharge site. In this case, peak discharge in any direction shall follow Management District A criteria provided that the overall site discharge meets the Management District Criteria for which the discharge is located.
- (e) **Off-Site Areas** - Off-site areas that 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.
- (f) **Site Areas** - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the Management District Criteria. In other words, unimpacted areas bypassing the stormwater management facilities would not be subject to the Management District Criteria.

### **§309. Calculation Methodology.**

- (a) Stormwater runoff from all development sites with a drainage area of greater than 200 acres shall be calculated using a generally accepted calculation technique that is based on the NRCS soil cover complex method. Table 309-1 summarizes acceptable computation methods and the method selected by the design professional shall be based on the individual limitations and suitability of each method for a particular site. The Rational Method shall be used to estimate peak discharges from drainage areas that contain less than 200 acres. The Soil Complex Method shall be used for drainage areas greater than 200 acres.

**TABLE 309-1**  
**Acceptable Computation Methodologies For**  
**Stormwater Management Plans**

METHOD	METHOD DEVELOPED BY	APPLICABILITY
TR-20 (or commercial computer package based on TR-20)	USDA NRCS	Applicable where use of full hydrology computer model is desirable or necessary.
TR-55 (or commercial computer package based on TR-55)	USDA NRCS	Applicable for land development plans within limitations described in TR-55.
HEC-1 / HEC-HMS	US Army Corps of Engineers	Applicable where use of full hydrologic computer model is desirable or necessary.
PSRM	Penn State University	Applicable where use of a hydrologic computer model is desirable or necessary; simpler than TR-20 or HEC-1.
Rational Method (or commercial computer package based on Rational Method)	Emil Kuichling(1889)	For sites less than 200 acres and with time of concentration less than 60 minutes ( $tc < 60$ min), or as approved by the Borough.
Other Methods	Varies	Other computation methodologies approved by the Borough.

*\*Note: Successors to the above methods are also acceptable. These successors include WinTR55 for TR-55 and WinTR20 for TR-20 and SWMM*

- (b) All calculations consistent with this Ordinance using the soil cover complex method shall use the appropriate design rainfall depths for the various return period storms according to the region in which they are located as presented in Table B-1 in Appendix B of this Ordinance. If a hydrologic computer model such as PSRM or HEC-1 / HEC-HMS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The rainfall distribution should reference to NOAA Atlas 14.
- (c) For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational 'C' value (i.e., forest), as listed in Table B-1 or B-2 in Appendix B of this Ordinance. In such cases, values representing the actual ground cover shall be utilized. Average antecedent moisture conditions shall apply to existing condition calculations.
- (d) All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods from the NOAA

Atlas 14 Precipitation-Frequency Atlas of the United States (2004, revised 2006). When approved by the Borough, rainfall intensities may be based upon the current PennDOT Storm Intensity-Duration-Frequency chart for Region 4. Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Times-of-concentration for channel and pipe flow shall be computed using Manning's equation. NRCS lag equation divided by 0.6 as acceptable method for Tc in undeveloped areas.

- (e) Times of concentration shall be based on the following design parameters:
  - (1) Sheet flow: The maximum length for each reach of sheet or overland flow before shallow concentrated or open channel flow develops is one hundred fifty (150) feet. Flow lengths greater than one hundred (100) feet shall be justified based on the actual conditions at each development site. The maximum construction phase and post- development sheet flow length for unpaved surfaces shall be one hundred (100) feet for most situations (one hundred fifty (150) feet for areas which will remain undisturbed).
  - (2) Shallow concentrated flow: Travel time for shallow concentrated flow shall be determined using Figure 3-1 from TR-55, Urban Hydrology for Small Watersheds.
  - (3) Open Channel flows: At points where sheet and shallow concentrated flows concentrate in field depressions, swales, gutters, curbs, or pipe collection systems, the travel times and downstream end of the development site between these design points shall be based upon Manning's Equation and/or acceptable engineering design standards as determined by the municipal engineer.
- (f) Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table B-1 in Appendix B of this Ordinance.
- (g) Runoff coefficients (c) for both existing and proposed conditions for use in the Rational method shall be obtained from Table B-2 in Appendix B of this Ordinance.
- (h) Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-3 in Appendix B of the Ordinance. Full flow shall be assumed for closed conduits.
- (i) Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Ordinance using any generally accepted hydraulic analysis technique or method.

- (j) The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. This shall be performed for both the post-development and construction phase conditions. For drainage areas greater than 200 acres in size, the design storm hydrograph shall be computed using a calculation method that produces a full hydrograph (i.e. TR-20, TR-55, HEC-1, PSRM). The Borough may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- (k) During the construction progression of a project, the discharge of stormwater runoff from the site may follow distinct patterns that will be altered during the course of the construction. In such an event, the comparison of the construction phase discharge rate to the predevelopment rate shall be performed for each separate and distinct pattern. At no time throughout the construction phase of a project shall the peak discharge rate discharging from any location along the boundary of a site exceed the predevelopment peak discharge rate at that location.
- (l) Where applicable, construction phase and post-development time of concentration to a storage facility shall be the time of concentration in the storm sewer to its point of discharge into the storage facility. Overland flow from the discharge point to the outlet structure shall not be included in the time of concentration.
- (m) When designing regional storage facilities for office parks, industrial parks, etc., the following design criteria shall be followed:
  - (1) Assumed impervious, lawn, etc., coverage areas shall be noted in the calculations for each lot which will drain to the basin. Impervious coverage shall be assumed to be the maximum coverage allowed by the Zoning Ordinance.
  - (1) A six (6.0) minute time of concentration shall be used to calculate the post-development basin inflow hydrographs (five (5.0) minutes for rational method). Longer times of concentration shall be allowed only where significant portions of the drainage area will remain undeveloped or where it can be demonstrated that the longer times will occur even after the full potential development.
  - (2) For lots which will have on lot detention or retention basins, the predevelopment time of concentration for the lot shall be the same as the predevelopment time of concentration for the entire predevelopment drainage area in which it is located.

## **§310. Other Requirements.**

- (a) General requirements
  - (1) For any of the activities regulated by this Ordinance, including the preliminary or final approval of subdivision and/or land development plans, the management of

stormwater on the site, both during and upon completion of the proposed disturbances, shall be accomplished in accordance with the standards and criteria of this Ordinance.

- (2) The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance with these terms and the interpretations of the Borough.
- (3) Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), water encroachments, and any work involving wetlands governed by PaDEP Chapter 105 regulations (as amended or replaced from time to time by PaDEP), are subject to PaDEP Chapter 105 regulations.
- (4) The design of any proposed roadway drainage facilities shall be consistent with the PennDOT Design Manual Part II, Publication 13M.
- (5) The Borough reserves the right to disapprove any design that would result in the construction in or continuation of a stormwater problem area.
- (6) All stormwater management facilities shall comply with the applicable provisions of Wyomissing Borough Construction Manual and Standard Specifications.
- (7) Any developer shall be responsible for the control of surface water from his property to a point of natural disposal. It shall be the responsibility of the applicant to obtain, from adjacent property owners, any easements or other necessary property interests concerning flowage of water from the proposed development onto private lands. The construction of improvements necessary to control runoff and prevent property damage may be required. Whenever practicable, the easement shall be parallel with and conjunctive to property lines of the project site.
- (8) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- (9) The slope of the crown on proposed streets shall not be less than one-eighth (1/8) inch per foot and not more than one-third (1/3) inch per foot.
- (10) Increases or decreases in the hydrology of natural wetlands or changes to the function of wetlands shall be minimized to the maximum extent practical. Where such changes are proposed, the impact of the proposal on wetland functional values shall be assessed using standard methods appropriate to the affected wetland.

(b) Detention and Retention Basin Design

- (1) Any stormwater management facility (i.e., detention basin, retention basins) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year proposed conditions and may be subject to PaDEP Chapter 105 regulations.
- (2) No stormwater detention or retention facility shall be placed within fifty (50) feet of a special geologic feature.
- (3) Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. The Borough may require the installation of an impermeable liner in detention or retention basins. A detailed hydrogeologic investigation may be required by the Borough.
- (4) It shall be the developer's responsibility to verify if the site is underlain by limestone. The following note shall be attached to all SWM Site Plans and signed and sealed by the professional responsible for confirming the site's geologic conditions:

I, \_\_\_\_\_, a registered \_\_\_\_\_ of the Commonwealth of Pennsylvania, do hereby certify that the proposed detention basin (circle one) is/is not underlain by limestone.

- (5) Basins shall be installed prior to any earthmoving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
- (6) Energy dissipators and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins.
- (7) Interior and exterior slopes of compacted soil shall not exceed one (1) foot vertical for three (3) feet horizontal, and may be further reduced if the soil has unstable characteristics. Unless otherwise required to comply with PaDEP regulations, the minimum bottom slope shall be two (2) percent for grass and seventy-five hundredths (0.75) percent for concrete paving. One (1) percent may be used for grass if an underdrain system is provided. A concrete low flow channel shall be required for all basins where the distance from the inlet pipe to the outlet structure exceeds one hundred (100) feet. The minimum channel width shall be four (4) feet and the design must be approved by the Borough.
- (8) Detention and retention basins shall also be designed to meet the following requirements:

- The minimum top of berm width shall be eight (8) feet.
- Outlet pipes shall have a minimum diameter of twelve (12) inches. For pipe lengths exceeding one hundred (100) feet, the minimum diameter shall be fifteen (15) inches.
- Properly spaced anti-seep collars shall be installed on all basin outlet pipes. Design calculations shall be provided.

(9) A key trench at least 2 feet deep, or extending down to stable subgrade, whichever is deeper, of compacted relatively impervious material (Unified Soil Classification CL or ML) shall be provided. Minimum bottom width for the key trench shall be 4 feet. Maximum side slopes for the key trench shall be one horizontal to one vertical. A compacted impervious core at least 8 feet wide at the top, having a maximum side slope of one horizontal to one vertical, shall extend for the full length of the embankment, and the top elevation shall be set at the design year water surface elevation.

(10) All pipes and culverts through embankments shall have properly spaced anti-seep collars (minimum 6 inch thick).

(11) Outlet structures within basins which will control peak discharge flows and distribute the flows by plans to discharge areas shall be constructed of reinforced concrete, and shall have childproof, non-clogging trash racks overall design openings twelve (12) inches in diameter, except those openings designed to carry perennial stream flows.

(12) Emergency spillways shall be constructed of concrete of sufficient mass and structural stability to withstand the pressures of impounded waters and outlet velocities. Precast concrete paving blocks and sod may be used when approved by the Borough. Emergency spillways shall be designed to safely convey the one hundred (100) year basin inflow hydrograph through the basin assuming the principal outlet is completely blocked, and a minimum one (1) foot freeboard shall be provided. Should any stormwater management facility require a dam safety permit under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the 100-year event.

(13) Inlet and outlet structures shall be located at maximum distances from one another. The Borough may require a rock filter berm or rock-filled gabions between inlet and outlet areas when the distance is deemed insufficient for sediment trappings.

(14) Permanent grasses or stabilization measures shall be established on the sides of all earthen basins by hydroseeding within five (5) days of initial construction. The

Borough may require jute or erosion control matting to be installed inside the basin or on the basin embankment.

- (15) Adequate drainage courses shall be provided and maintained for the discharge(s) from the basin. If the basin will not discharge to a suitable natural drainage course, the Borough may require the developer to provide facilities to safely and efficiently convey the discharge to a suitable drainage course. Securing of necessary drainage easements for this purpose shall be the sole responsibility of the developer.
- (16) When PaDEP requires facilities to have a State permit, the designer shall submit all information to PaDEP and obtain all necessary approval and permits. No stormwater facility shall create health or sanitation problems. Consideration shall be given to safety standards.
- (17) When deemed necessary by the Borough Council, stormwater detention facilities shall be enclosed with a fence of a type approved by the Borough Council.
- (18) Paved surfaces that are to serve as stormwater storage areas shall have minimum grades of 1/2% and shall be restricted to storage depths of 1/2 feet maximum. If a portion of an area within a stormwater storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation with the storage area as possible.
- (19) The following additional conditions shall be complied with for wet bottom stormwater storage areas.
  - Water surface area shall not exceed 1/10 of the tributary drainage area,
  - Shoreline protection shall be provided to prevent erosion from wave action.
  - Minimum normal water depth shall be 4 feet. If fish are to be used to keep the pond clean, a minimum of 1/4 of the pond area shall be a minimum of 10 feet deep.
  - Facilities shall be provided to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
  - Aeration facilities as may be required to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the municipality.

- In the event that the water surface of the pond is to be raised for the purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess stormwater runoff shall still be sufficient to contain the design year storm runoff.

(c) Collection and Conveyance System Design

- (1) Storm sewers must be able to convey proposed conditions runoff from a 25-year design storm without flooding inlets, where appropriate.
- (2) No stormwater conveyance facility shall be constructed within fifty (50) feet of a special geologic feature, unless it is constructed of durable pipe utilizing watertight joints.
- (3) Storm sewers, culverts, bridges and related installations shall be provided:
  - To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of PaDEP.
  - To insure adequate drainage of all low points along the line of streets.
  - To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, and to prevent substantial flow of water across intersections or flooded intersections during the specified design storm.
  - To insure adequate and unimpeded flow of stormwater under driveways in, near or across natural watercourses or drainage swales. Suitable pipes or other waterway openings shall be provided as necessary.
- (4) Storm sewers, as required, shall be placed under or immediately in front of the curb, when parallel to the street within the right-of-way. Generally, locating storm sewers under curbs in curves or at street intersections shall be prohibited. When located in undedicated land, they shall be placed within an easement not less than twenty (20) feet wide as approved by the Borough Engineer.
- (5) Storm sewer systems shall have curb inlets located at curb tangents on the uphill side of street intersections and at other locations as may be required by the Borough as necessary to intercept runoff. Design and location of curb inlets shall be in accordance with Pennsylvania Department of Transportation Design Manual Part 2.
- (6) Storm sewers shall be installed in accordance with the following requirements:

- (i) All storm sewers shall be constructed per PennDOT Form 408 Specifications and Design Manual, Part 2, Highway Design and Standards for Roadway Construction, unless otherwise directed by the Borough.
- (ii) Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum slope of one-half (1/2) percent.
- (iii) Storm sewers at design flows shall have a minimum velocity of 2.5 fps and a maximum velocity of 12.0 fps.
- (iv) Reinforced concrete pipe is acceptable for all storm sewer construction. Corrugated polyethylene pipe will be permitted for diameters of fifteen (15) inches to thirty-six (36) inches only. Pipe materials shall be subject to approval by the Borough.
- (v) All storm sewer pipe within street cartways or other paved areas shall be bedded and backfilled in accordance with the provisions of Wyomissing Borough Construction Manual and Standard Specification.

(7) Storm sewers shall be designed based upon the following criteria:

- Any changes in alignment shall be accomplished utilizing straight sections connected by inlets or manholes.
- When there is a change in pipe size through a structure, the top inside elevation of the outlet pipe shall be at or below the elevations of all incoming pipes.
- Storm sewers shall be sized to handle the flow anticipated during the 25-year design storm. Where inlets or storm sewers are designed to drain low points in streets or other areas, or wherever stormwater amounts exceeding the capacity of the proposed conveyance facilities would cause potential erosion or damage to property, overflow facilities capable of handling the calculated 100-year flows are required.
- Storm sewer design shall be based upon PennDOT design methods. Inlet efficiency and bypass flow shall be determined for all inlets, and the gutter flow spread shall not exceed one-half (1/2) the travel lane width.
- Where necessary, storm sewers and culverts shall be evaluated for inlet and outlet control restrictions.

(8) Inlets shall conform to PennDOT standards. Precast concrete inlets may be used but the Borough Engineer must approve these inlets for each project.

- Inlets shall generally be located at the lowest point of street intersections to intercept the stormwater before it reaches pedestrian crossings or at sag point of vertical curves in the street alignment which provides a natural point of ponding of surface stormwater.
- At street intersections, inlets shall be placed in the tangent and not the curved portion of the curbing.
- Inlets shall be designed and located to prevent hazards to vehicles, bicycles and pedestrians.
- Where the Borough deems it necessary because of special land requirements, special inlets may be approved.
- The interval between inlets serving stormwater runoff flow along the curb shall not exceed a maximum of one thousand (1,000) feet when located along any one (1) continuous curb line. More frequent spacing shall be required when the entrance capacity of any individual inlet warrants closer spacing as determined by calculations which incorporate consideration of the area drained, intensity of rainfall, slope or grade, runoff coefficient of imperviousness and cross-sectional rear of the gutter.
- When inlets are used in a storm system within the right-of-way limits of a street, in lieu of manholes, the spacing of such inlets shall not exceed the maximum distance of four hundred fifty (450) feet along any one (1) continuous line.

(9) Manholes shall be installed in accordance with the following requirements:

- The construction locations of manholes shall be as indicated on the subdivision SWM Site Plan or area SWM Site Plan approved by the governing municipal authorities.
- Manholes shall be located on a continuous storm sewer system at all abrupt changes of grade, at all locations where a transition in storm sewer pipe sizing is required, at all angle points and at all points of convergence of two (2) or more influent storm sewer mains.
- Manholes shall not be more than three (300) feet apart on sizes up to twenty-four (24) inches and not more than four hundred fifty (450) feet apart on larger sizes. Inlets may be substituted for manholes on approval by the Borough.

(10) The construction of endwalls shall be required at ends of all stormwater conveyance structures.

- Special care shall be used by the design engineer to select the proper endwall to fit the condition.
- The design engineer shall provide energy dissipators at endwalls where the discharge velocity with pipe flowing full is more than one (1) fps.

(11) Stormwater roof drains shall not discharge water directly over a sidewalk or into any sanitary sewer line.

(12) Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of twenty-five (25) years. Bridge and/or culvert construction shall be in accordance with the PennDOT specifications and shall meet the requirements of DEP.

- Culverts shall be provided with wing walls and constructed for the full width of the right-of-way. The cartway area over the bridge shall be 24 inches wider, on either side, than the road connecting with the bridge, or if the character of the road is expected to change for future planning, the cartway of the bridge shall be made to anticipate this condition. On either side of the bridge cartway, the bridge railing must be set back from the edge of the final cartway and this area may be used to place sidewalks, present or future.

(13) Provisions shall be made to prevent erosion within watercourses and at points of discharge from storm drainage facilities into watercourses. The velocity of the discharge into a watercourse shall not exceed 0.5 feet/second perpendicular to the axis of the watercourse and 1.0 feet/second parallel to the axis of the watercourse.

(14) Design of open channels and swales shall comply with the following:

- Open ditches will not be permitted but properly designed, graded and turfed drainage swales shall be permitted in lieu of storm sewers, where approved by the Borough,. Swales shall be located within an easement not less than twenty (20) feet wide, but of sufficient width to allow access for maintenance.
- Such swales shall be designed not only to carry the required 25-year storm discharge completely contained within the channel bottom and banks without excessive erosion, but also to increase the time of concentration, reduce the peak discharge and velocity and permit the water to percolate into the soil. The minimum grassed swale grade

shall be one (1) percent and all swales shall be designed with a minimum six (6) inches of freeboard. For grass swales the minimum design flow velocity shall be two (2.0) fps, and PennDOT approved turf reinforcement mat shall be installed where design velocities exceed four (4) fps.

- Swales shall be designed in accordance with the Channel Design procedures found in the Department of Environmental Protection Bureau of Water Quality Protection, Erosion and Sediment Pollution Control Program Manual.
- All open channels shall be designed to convey the 25-year stormwater flow. In addition, open channels shall be design to convey the 100-year stormwater flow from emergency spillways and areas where damage to property would result.
- Open channels located adjacent to streets shall be limited to a top width of 6-feet, depth of 1.5-feet, and if trapezoidal in cross section, a minimum bottom width of 2-feet.

(d) Miscellaneous

- (1) All wet basin designs shall incorporate biologic minimization controls consistent with the West Nile Guidance found in Appendix F.
- (2) Where pervious pavement is permitted for parking lots, recreational facilities, non-dedicated streets, or other areas, pavement construction specifications shall be noted on the plan.
- (3) Intercepting underdrains shall be required at all locations in which subsurface water is encountered which may permeate or endanger the subgrade of the street. Underdrains shall be required in all cuts three (3) feet deep and greater, and in all other locations stipulated by the Borough Engineer. Pipe foundation underdrains shall be parallel to the established street grade to outlet in approved drainage structures. Pipe foundation underdrain shall consist of a trench excavated to a minimum depth of twenty-four (24) inches below the underneath elevation of the special subgrade and to the minimum width of eighteen (18) inches in which a six (6) inch pipe underdrain shall be laid. The trench shall be backfilled with Pennsylvania Department of Transportation 2B aggregate to its full depth around and above the laid pipe.
- (4) If the length of pipe underdrain exceeds six hundred (600) feet in one (1) run, the minimum diameter of six (6) inches shall be increased to eight (8) [inches] beyond that point. Pipe shall meet PennDOT, Form 408 Specifications.

- (5) Construction of all stormwater management facilities within the Borough shall be in accordance with all Borough construction standards, specifications and ordinances.

(Ord. 1358, 1/14/2014, §1).

## **PART 4**

### **SWM SITE PLAN REQUIREMENTS**

#### **§401. General Requirements.**

For any of the activities regulated by this Ordinance, the preliminary or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance activity may not proceed until the Property Owner or Applicant or his/her agent has received written approval of a SWM Site Plan from the Borough unless the project qualifies for an exemption from the requirements to submit a SWM Site Plan.

#### **§402. Exemptions.**

Exemptions shall be requested and acted upon by Borough Manager upon recommendation of Borough Engineer.

- (a) General Exemptions. The following land use activities are exempt from the SWM Site Plan submission requirements of this Ordinance:
  - (1) Use of land for gardening for home consumption.
  - (2) Agricultural plowing and tilling are exempt from the rate control and SWM site plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code, Chapter 102.
  - (3) Forest Management and timber operations are exempt from the rate control and SWM site plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code, Chapter 102 and the applicable provisions of Wyomissing Borough Zoning Ordinance.
  - (4) Regulated activities that create disconnected Impervious Areas smaller than 500 sq. ft. are exempt from the Peak Rate Control and the SWM Site Plan preparation requirements of this Ordinance.
- (b) Stormwater Quantity Control Exemption. Any Regulated Activity that meets the impervious area exemption criteria in Table 402-1 shall not be required to implement the stormwater quantity controls, specified in Section 308 of this Ordinance. These criteria shall apply to the total development even if development is to take place in phases. The date of the adoption of this Ordinance 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. Impervious areas existing on the "parent tract" prior to adoption of this Ordinance shall not be considered in cumulative impervious area calculations for exemption purposes.

TABLE 402-1  
Impervious Area Exemption Criteria

Total Parcel Size	Impervious Area Exemption (sq.ft.)
0 to <0.125 ac	1,000 sq. ft.
0.125 to <0.5 ac	2,500 sq. ft.
0.5 to <1 ac	5,000 sq. ft.
1 to <2 ac	7,500 sq. ft.
2 to <3 ac	10,000 sq. ft.
3 to <4 ac	12,500 sq. ft.
≥ 4 ac	15,000 sq. ft.

Submissions for projects that utilize the exemption under section 402(b) shall still be required to meet the groundwater recharge (Section 305), water quality (Section 306), and streambank erosion (Section 307) controls of this Ordinance. SWM Site Plans in accordance with Sections 403(a)(2), 403(b)(7), (8), (11), (15), and (22) and 403(d)(2) must still be submitted. Any exemption must first be approved by the Borough.

(c) Additional Exemption Requirement:

- (1) Exemption responsibilities – An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall not relieve the Applicant from providing adequate stormwater management for Regulated Activities to meet the requirements of this Ordinance.
- (2) HQ and EV streams - This exemption shall not relieve the Applicant from meeting the special requirements for watersheds draining to high quality (HQ) or exceptional value (EV) waters, identified and Source Water Protection Areas (SWPA) and requirements for nonstructural project design sequencing (Section 304), groundwater recharge (Section 305), water quality (Section 306), and streambank erosion (Section 307).
- (3) Drainage Problems - If a drainage problem is documented or known to exist downstream of, or expected from the proposed activity, then the Borough may require a SWM Site Plan submittal.

All regulated activities occurring in drainage areas tributary to waters designated HQ/EV pursuant to 25 PA Code, Chapter 93, shall not change

any biological, chemical, or physical characteristics, including volume, rate, velocity, course, current, cross section, or temperature of the waters, unless the activity is specifically permitted in accordance with the environmental laws of the Commonwealth.

(d) The Borough Manager may upon recommendation of Borough Engineer deny or revoke any exemption pursuant to this Section at any time for any project that the Borough believes may pose a threat to public health, safety, property or the environment.

### **§ 403. SWM Site Plan Contents.**

The SWM Site Plan shall consist of a general description of the project including sequencing items described in Section 304, calculations, maps and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to the associated maps by title and date. All SWM Site Plan materials shall be submitted to the Borough in a format that is clear, concise, legible, neat, and well organized; otherwise, the SWM Site Plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the SWM Site Plan:

(a) General

- (1) General description of the project including those areas described in Section 304.
- (2) General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
- (3) A description of any storm drainage problems within, adjacent to or downstream of the project site.
- (4) Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
- (5) An Erosion and Sediment Pollution Control Plan, including all reviews and approvals by the Conservation District.
- (6) A general description of nonpoint source pollution controls.

(b) Maps. Map(s) of the project area shall be submitted on 24-inch x 36-inch sheets and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Berks County. If the Borough Subdivision and Land Development Ordinance (SALDO) has more stringent criteria, then the

more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

- (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
- (2) Existing contours at intervals of two feet. In areas of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
- (3) Existing streams, lakes, ponds or other Waters of the Commonwealth within the project area.
- (4) Other physical features including flood hazard boundaries, stream buffers, existing drainage courses, areas of natural vegetation to be preserved, potential or delineated wetland areas, areas of limestone geology, special geologic features and the total extent of the upstream area draining through the site.
- (5) The locations of all existing and proposed utilities, sanitary sewers, and water lines within fifty (50) feet of property lines.
- (6) An overlay showing soil names and boundaries, identifying those soils which are hydric, have seasonal high water tables, or shallow depth to bedrock.
- (7) Limits of earth disturbance, proposed changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added.
- (8) Proposed structures, roads, paved areas, and buildings.
- (9) Final contours at intervals of two feet. In areas of steep slopes (greater than 15 percent), five-foot contour intervals may be used.
- (10) The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- (11) The date of submission.
- (12) A graphic and written scale of one (1) inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one hundred (100) feet. Alternative scales may be utilized if pre-approved by the Borough.
- (13) A north arrow.

- (14) The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
- (15) Existing and proposed land use(s).
- (16) A key map showing all off site existing man-made features which may be affected by stormwater runoff or stormwater management controls for the project.
- (17) Location of all open channels.
- (18) Overland drainage patterns and swales, flowpaths used in calculations for time of concentration.
- (19) A minimum twenty-foot wide access easement around all stormwater management facilities that would provide ingress to and egress from a public right-of-way.
- (20) The location of all erosion and sediment pollution control facilities.
- (21) A note on the plan indicating the location and responsibility for maintenance of all stormwater management facilities, including those that are located off-site. All facilities, whether on or off-site, shall meet the performance standards and design criteria specified in this Ordinance.
- (22) A statement, signed by the landowner, acknowledging that any revision to the approved SWM Site Plan must be approved by the Borough and the Conservation District.
- (23) The following signature block for the Design Engineer:

"I, (Design Engineer), on this date (date of signature), hereby certify that the SWM Site Plan meets all design standards and criteria of Wyomissing Borough Stormwater Management Ordinance."

(c) Supplemental Information. The following supplemental information shall be provided with the SWM Site Plan.

- (1) A written description of the following information shall be submitted:
  - (i) The overall stormwater management concept for the project designed in accordance with Section 304.
  - (ii) Stormwater runoff computations as specified in this Ordinance.

- (iii) A summary comparing peak rates of runoff at all points of discharge from the site for the predevelopment, construction phase and post development conditions.
- (iii) Stormwater management techniques to be applied both during and after development.
- (iv) Expected project time schedule.
- (v) Development stages (project phases) if so proposed.

- (2) An operation and maintenance plan in accordance with Sections 403(e) and 702 of this Ordinance.
- (3) An erosion and sediment pollution control plan, including all reviews and approvals, as required by PaDEP and the Berks County Conservation District.
- (4) The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing Borough stormwater collection system that may receive runoff from the project site.
- (5) A copy of the Highway Occupancy permit and all reviews and approvals from PennDOT when utilization of a PennDOT drainage system or improvements within a state right-of-way is proposed.

- (d) Stormwater Management Facilities.
  - (1) All stormwater management facilities must be located on a plan and described in detail.
  - (2) When infiltration facilities such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
  - (3) All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.
- (e) Responsibilities for Operations and Maintenance of Stormwater Controls and BMPs.
  - (1) No Regulated Earth Disturbance activities within the Borough shall commence until approval by the Borough of a Stormwater Control and BMP Operations and Maintenance plan which describes how the permanent (e.g., post-construction) stormwater controls and BMPs will be properly operated and maintained.

(2) The following items shall be included in the Stormwater Control and BMP Operations and Maintenance Plan:

(i) Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Berks County, and shall be submitted on 36-inch x 48-inch sheets. The contents of the maps(s) shall include, but not be limited to:

- Clear identification of the location and nature of permanent stormwater controls and BMPs,
- The location of the project site relative to highways, municipal boundaries or other identifiable landmarks,
- Existing and final contours at intervals of two feet, or others as appropriate,
- Existing streams, lakes, ponds, or other bodies of water within the project site area,
- Other physical features including flood hazard boundaries, sinkholes or other special geologic features, streams, existing drainage courses, potential or delineated wetland areas, and areas of natural vegetation to be preserved,
- The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site,
- Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added,
- Proposed final structures, roads, paved areas, and buildings, and
- A fifteen-foot wide access easement around all stormwater controls and BMPs that would provide ingress to and egress from a public right-of-way.

(ii) A description of how each permanent stormwater control and BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance,

- (iii) The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the plan, and
- (iv) A statement, signed by the landowner, acknowledging that the stormwater controls and BMPs are fixtures that can be altered or removed only after approval by the Borough.

(3) The Stormwater Control and BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater controls and BMPs, as follows:

- (i) Only where stormwater controls or BMPs are deemed by the Borough Council to be regional in nature, or where the Borough determines that it is in the best interest of the general public, shall the Borough accept operations and maintenance responsibility for stormwater controls or BMPs located outside of the public street rights-of-way;
- (ii) The responsibility for operations and maintenance of all other stormwater controls or BMPs, whether by the property owner, a property owners association, or a private management entity, shall be specified on the Operations and Maintenance Plan.

(4) The Borough shall make the final determination on the continuing operations and maintenance responsibilities. The Borough reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater controls and BMPs.

(f) Borough Review of Stormwater Control and BMP Operations and Maintenance Plan.

- (1) The Borough shall review the Stormwater Control and BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this Ordinance, and any permits issued by PaDEP.
- (2) The Borough shall notify the Applicant in writing whether the Stormwater Control and BMP Operations and Maintenance Plan is approved.
- (3) The Borough may require a "Record As-built Drawing" of all stormwater controls and BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan.
- (4) All agreements, easements, covenants or other similar documents, which assign operations and maintenance responsibility for stormwater controls

or BMPs, shall be provided to the Borough Solicitor for review and approval.

**§404. Plan Submission.** The Borough shall require receipt of a complete plan, as specified in this Ordinance.

For any activities that require an NPDES Permit for Stormwater Discharges from Construction Activities, a PaDEP Joint Permit Application, a PennDOT Highway Occupancy Permit, or any other permit under applicable state or federal regulations or are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PaDEP's Rules and Regulations, the proof of application for said permit(s) or approvals shall be part of the plan. The plan shall be coordinated with the state and federal permit process and the Borough SALDO review process.

- (a) For projects which require SALDO approval, the SWM Site Plan shall be submitted by the Applicant as part of the Preliminary Plan submission where applicable for the Regulated Activity.
- (b) For these regulated activities that do not require SALDO approval, See Section 401, General Requirements.
- (c) Six (6) copies of the SWM Site Plan shall be submitted and distributed as follows:
  - (1) Two (2) copies to the Borough accompanied by the requisite Borough Review Fee, as specified in this Ordinance.
  - (2) Two (2) copies to the Conservation District.
  - (3) One (1) copy to the Borough Engineering and Planning Department.
  - (4) One (1) copy to the County Planning Commission, when directed by the Borough.

**§405. SWM Site Plan Review.**

- (a) The Borough shall review the SWM Site Plan with the standards set forth in the Borough's Stormwater Management Ordinance for consistency with the adopted Act 167 Stormwater Management Plan and with all other applicable provisions of this Ordinance. Any found incomplete shall not be accepted for review and shall be returned to the Applicant.
- (b) The SWM Site Plan review and approval procedure is as follows:
  - (1) If a SWM Site Plan does not involve a subdivision and/or land development, the review of the SWM Site Plan, recommendations, approval, approval with

conditions, or disapproval, i.e., the review and decision period, shall occur within forty-five (45) days of submission to the Borough. However, the Borough, in its sole discretion, may extend the review and decision period another forty-five (45) days due to the nature of the application and/or site conditions. If an extension of another forty-five (45) days is imposed or granted by the Borough beyond the first forty-five (45) day review and decision period designated by this paragraph, then the Borough shall notify the applicant in writing and deliver such notice to said applicant within fifteen (15) days of the decision to extend the review and decision period by the Borough. If no extension is imposed or granted by the Borough beyond the first forty-five (45) day review and decision period, and no decision has been rendered by the Borough within that period, then the SWM Site Plan shall be deemed approved. Similarly, if after a forty-five (45) day extension of the review and decision period has been imposed or granted by the Borough, and no decision has been rendered by the Borough within that period, then the SWM Site Plan shall be deemed approved.

- (2) If a SWM Site Plan involves a subdivision and/or land development plan, then the period of time from the submission to the Borough approval, approval with conditions, or disapproval, i.e., review and decision period, shall be ninety (90) days, in accordance with the procedure for approval of plats in Section 508 of the Pennsylvania Municipalities Planning Code.
- (3) From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM Site Plan, is duly filed with the Borough, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in Section 508.(4)(i) of the Pennsylvania Municipalities Planning Code.
- (c) In all cases, the decision of the Borough to approve or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than fifteen (15) days following the decision. If the SWM Site Plan is disapproved, then the written decision by the Borough shall specify the defects in the application, describe the requirements that were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, then the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. The time limit for satisfying conditions of approval shall be the time limit prescribed for conditional approval of subdivision and land development plans as stated in the Borough's Subdivision and Land Development Ordinance.
- (d) For regulated activities under this Ordinance that require an NPDES Permit Application, the Applicant shall forward a copy of the Borough's letter stating that the SWM Site Plan is consistent with the applicable stormwater management plan to the Conservation District. PaDEP and the Conservation District may consider the Borough's review comments in determining whether to issue a permit.

- (e) The Borough shall not grant approval or grant preliminary approval to any subdivision or land development for Regulated Activities specified in Section 105 of this Ordinance if the SWM Site Plan has been found to be inconsistent with the applicable provisions of this Ordinance, as determined by the Borough. All required permits from PaDEP must be obtained prior to approval of any subdivision or land development.
- (f) The Borough Building Code Official shall not issue a building permit for any Regulated Activity under this Ordinance if the SWM Site Plan has been found to be inconsistent with the provisions of this Ordinance, as determined by the Borough Engineering and Planning Department, or without considering the comments of the Borough Engineering and Planning Department. All required permits from PaDEP must be obtained prior to issuance of a building permit.
- (g) The Applicant shall be responsible for completing record as-built drawings of all stormwater management facilities included in the approved SWM Site Plan. The record as-built drawings and an explanation of any discrepancies with the design plans shall be submitted to the Borough for final approval. The Borough may withhold approval of the record as-built drawings until the Borough receives a copy of an approved Highway Occupancy Permit from the PennDOT District Office, NPDES Permit, and any other applicable permits or approvals, from PaDEP or the Conservation District. The above permits and approvals must be based on the record drawings.
- (h) The Borough's approval of a SWM Site Plan shall be valid for a period not to exceed five (5) years, commencing on the date that the Borough issues an approval letter for the SWM Site Plan. For subdivisions and land developments, the 5-year time period shall commence on the date that the plan is officially approved by the Borough Council. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if constructed, and record as-built drawings of these facilities have not been approved within this 5-year time period, then the Borough may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Borough shall be resubmitted in accordance with Section 407 of this Ordinance.

#### **§406. Modification of Plans.**

- (a) A modification to a SWM Site Plan under review by the Borough for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Borough, shall require a resubmission of the modified SWM Site Plan

consistent with Section 404 of this Ordinance and be subject to review as specified in Section 405 of this Ordinance.

- (b) A modification to an already approved or disapproved SWM Site Plan shall be submitted to the Borough, accompanied by the applicable Borough Review and Inspection Fee. A modification to a SWM Site Plan for which a formal action has not been taken by the Borough shall be submitted to the Borough, accompanied by the applicable Borough Review and Inspection Fee.

**§407. Resubmission of Disapproved SWM Site Plans.**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Borough's concerns documented in writing and addressed to the Borough Secretary in accordance with Section 404 of this Ordinance and distributed accordingly and be subject to review as specified in Section 405 of this Ordinance. The applicable Borough Review and Inspection Fee must accompany a resubmission of a disapproved SWM Site Plan.

(Ord. 1358, 1/14/2014, §1).

## **PART 5**

### **INSPECTIONS**

#### **§501. Schedule of Inspections.**

- (a) The Borough or their designee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Borough.
- (b) During any stage of the work, if the Borough or it's designee determines that the permanent stormwater management facilities are not being installed in accordance with the approved SWM Site Plan, the Borough shall revoke any existing building permits and issue a cease and desist order until a revised SWM Site Plan is submitted and approved except as directed by the Borough or Conservation District, as specified in this Ordinance.
- (c) A final inspection of all stormwater management facilities shall be conducted by the Borough or its' designee and to confirm compliance with the approved SWM Site Plan prior to the issuance of any Occupancy Permit.

(Ord. 1358, 1/14/2014, §1).

## PART 6

### FEES AND EXPENSES

#### **§601. Borough SWM Site Plan Review and Inspection Fee.**

Fees shall be established by the Borough to defray plan review and construction inspection costs incurred by the Borough. All fees shall be paid by the Applicant at the time of SWM Site Plan submission. Review and Inspection Fee Schedule shall be established by resolution of the Borough Council based on the size of the Regulated Activity and based on the Borough's costs for reviewing SWM Site Plans and conducting inspections pursuant to Section 501. The Borough shall periodically update the Review and Inspection Fee Schedule to ensure that review costs are adequately reimbursed.

#### **§602. Expenses Covered by Fees.**

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

- (a) Administrative costs.
- (b) The review of the SWM Site Plan by the Borough.
- (c) The site inspections.
- (d) The inspection of stormwater management facilities and drainage improvements during construction.
- (e) The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the SWM Site Plan.
- (f) Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

(Ord. 1358, 1/14/2014, §1).

## PART 7

### MAINTENANCE RESPONSIBILITIES

#### **§701. Performance Guarantee.**

- (a) For subdivisions and land developments the Applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as: 1) Required by the approved SWM Site Plan equal to or greater than the full construction cost of the required controls or 2) in the amount and method of payment provided for in the Subdivision and Land Development Ordinance.
- (b) For other regulated activities, the Borough may require a financial guarantee from the Applicant.
- (c) At the completion of the project, and as a prerequisite for the release of the performance guarantee, the Applicant or his representatives 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 record as-built drawings.
- (d) After the Borough receives the certification, a final inspection shall be conducted by the Borough or designee to certify compliance with this Ordinance.

#### **§702. Adherence to Approved Stormwater Control and BMP Operations and Maintenance Plan.**

It shall be unlawful to alter or remove any permanent stormwater control and BMP required by an approved Stormwater Control and BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved Stormwater Control and BMP Operations and Maintenance Plan.

#### **§703. Operations and Maintenance Agreement for Privately Owned Stormwater Controls and BMPs.**

- (a) The property owner shall sign an operations and maintenance agreement with the Borough covering all stormwater controls and BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix A of this Ordinance.

- (b) Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater controls and BMPs. The agreement shall be subject to the review and approval of the Borough.

**§704. Stormwater Management Easements.**

- (a) Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Borough.
- (b) Stormwater management easements shall be provided by the property owner, where required by the Borough, for areas of on-site stormwater control, for purposes of (1) access for inspections and maintenance, or (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and other stormwater controls and BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 703.

**§705. Recording of Approved Stormwater Control and BMP Operations and Maintenance Plan and Related Agreements.**

- (a) The owner of any land upon which permanent stormwater controls and BMPs will be placed, constructed or implemented, as described in the Stormwater Control and BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Berks County, within 15 days of approval of the Stormwater Control and BMP Operations Plan by the Borough:
  - (1) The Operations and Maintenance Plan, or a summary thereof,
  - (2) Operations and Maintenance Agreements under Section 703, and
  - (3) Easements under Section 704.
- (b) The Borough may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

**§706. Borough Stormwater Control and BMP Operation and Maintenance Fund.**

- (a) Persons installing stormwater controls or BMPs shall be required to pay a specified amount to the Borough Stormwater Control and BMP Operation and Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
  - (1) If the stormwater control or BMP is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Borough for a period of ten (10) years, as estimated by the Borough. After that period of time, inspections will be performed at the expense of the Borough.

- (2) If the stormwater control or BMP is to be owned and maintained by the Borough, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Borough will establish the estimated costs utilizing information submitted by the Applicant.
- (3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Borough shall determine the present worth equivalents, which shall be subject to the approval of the Borough Council.

(b) If a stormwater control or BMP is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Borough may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purpose.

(c) If at some future time a stormwater control or BMP (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

(d) If stormwater controls or BMPs are accepted by the Borough for dedication, the Borough may require persons installing stormwater controls or BMPs to pay a specified amount to the Borough Stormwater Control and BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:

- (1) If the stormwater control or BMP is to be owned and maintained by the Borough, the amount shall cover the estimated costs for operations and maintenance for ten (10) years, as determined by the Borough.
- (2) The amount shall then be converted to present worth of the annual series values.

(e) Long-Term Maintenance – The Borough shall require applicants to pay a fee to the Borough Stormwater Maintenance Fund to cover long term maintenance of stormwater control and best management practices.

(f) Stormwater Related Problems - The Borough may require applicants to pay a fee to the Borough Stormwater Maintenance Fund to cover stormwater related problems which may arise from the land development and earth disturbance. The Borough will establish the estimated cost of utilizing information submitted by the Applicant.

(Ord. 1358, 1/14/2014, §1).

**PART 8**  
**PROHIBITIONS**

**§ 801. Prohibited Discharges and Connections.**

- (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 waters of this Commonwealth is prohibited.
- (b) No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in Subsection (c) below, and (2) discharges allowed under a state or federal permit.
- (c) The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:
  - Water line flushing
  - Landscape irrigation
  - Diverted stream flows
  - Rising ground waters
  - Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20))
  - Uncontaminated pumped groundwater
  - Discharges from potable water sources
  - Foundation drains
  - Air conditioning condensation
  - Irrigation water
  - Springs
  - Water from crawl space pumps
  - Footing drains
  - Lawn watering
  - Individual residential car washing
  - Flow from riparian habitats and wetlands
  - Dechlorinated swimming pool discharges
  - Street wash water
  - Discharges from firefighting activities
- (d) In the event that the Borough or PaDEP determines that any of the discharges identified in Subsection (c), significantly contribute to pollution of the waters of this Commonwealth, the Borough or PaDEP will notify the responsible person(s) to cease the discharge.

**§802. Roof Drains.**

Roof drains and sump pumps shall discharge to vegetative BMPs, or to infiltration BMPs (where not located within geologically susceptible areas), and to the maximum extent practicable satisfy the criteria for Disconnected Impervious Areas.

**§803. Alteration of SWM BMPs.**

No person shall modify, remove, fill, landscape, or alter any Stormwater Management BMPs, facilities, areas, or structures, without the written approval of the Borough.

(Ord. 1358, 1/14/2014, §1).

(20-A, PART 9)

20-A-72

8/6/2015

## **PART 9**

### **ENFORCEMENT AND PENALTIES**

#### **§901. Right-of-Entry.**

- (a) Upon presentation of proper credentials, duly authorized representatives of the Borough may enter at reasonable times upon any property within the Borough to inspect the implementation, condition, or operation and maintenance of the stormwater controls or BMPs in regard to any aspect governed by this Ordinance.
- (b) Stormwater control and BMP owners and operators shall allow persons working on behalf of the Borough ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- (c) Persons working on behalf of the Borough shall have the right to temporarily locate on any stormwater control or BMP in the Borough such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater control or BMP.
- (d) Unreasonable delays (greater than 24 hrs.) in allowing the Borough access to a stormwater control or BMP is a violation of this Part.

#### **§902. Public Nuisance.**

- (a) The violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- (b) Each day that a violation continues shall constitute a separate violation.

#### **§903. General Enforcement.**

- (a) Whenever the Borough finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Borough may order compliance by written notice to the responsible person. Such notice may require without limitation:
  - (1) The performance of monitoring, analyses, and reporting;
  - (2) The elimination of prohibited connections or discharges;
  - (3) Cessation of any violating discharges, practices, or operations;
  - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (5) Payment of a fine to cover administrative and remediation costs;
  - (6) The implementation of stormwater controls and BMPs; and

(7) Operation and maintenance of stormwater controls and BMPs.

(b) Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Borough or designee and the expense thereof 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 Borough from pursuing any and all other remedies available in law or equity.

**§904. Suspension and Revocation of Permits and Approvals.**

(a) Any building, land development or other permit or approval issued by the Borough may be suspended or revoked, in whole or in part, by the Borough for:

(1) Non-compliance with or failure to implement any provision of the permit;

(2) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity; or

(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 may be reinstated by the Borough, in whole or in part, when:

(1) The Borough or designee has inspected and approved the corrections to the stormwater controls and BMPs, or the elimination of the hazard or nuisance, and/or;

(2) The Borough is satisfied that the violation of this Ordinance, law, or rule and regulation has been corrected.

(c) A permit or approval which has been revoked in whole or in part, by the Borough cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Ordinance.

**§905. Penalties.**

(a) Any person violating the provisions of this Ordinance shall be subject to a fine of not less than \$100.00 nor more than \$1,000.00 for each violation, recoverable with costs. Each

day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

- (b) The Borough may institute injunctive, mandamus, or any other appropriate action or proceeding at law in equity for the enforcement of this Ordinance with the court of competent jurisdiction to obtain restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

#### **§906. Notification.**

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, the Borough will provide notification of the violation. After notice is provided, failure to correct violations in a timely manner may result in additional violations.

#### **§907. Enforcement.**

The Borough Council is hereby authorized and directed to enforce all of the provisions of this Ordinance. All inspections regarding compliance with the SWM Site Plan shall be the responsibility of the Borough Engineer or other qualified persons designated by the Borough.

- (a) No person shall modify, remove, fill, landscape or alter any Stormwater Management BMPs, facilities, areas, or structures, without the written approval of the Borough.
- (b) Upon presentation of proper credentials, the Borough may enter at reasonable times upon any property within the Borough to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.
- (c) It shall be unlawful for a person to undertake any Regulated Activity except as provided in an approved Stormwater Management Site Plan, unless specifically exempted from the requirement to submit such Site Plan by this Ordinance.
- (d) The Developer shall be responsible for providing record as-built plans of all Stormwater Management BMPs included in the approved Stormwater Management Site Plan. The record as-built plans and an explanation of any discrepancies with the construction plans shall be submitted by the Developer to the Borough.
- (e) The record as-built submission shall include a certification of completion signed by a Qualified Professional verifying that all permanent Stormwater Management BMPs have been constructed according to the approved plans and specifications. If any licensed Qualified Professionals contributed to the construction plans, then a licensed Qualified Professional must sign the completion certificate.

- (f) After receipt of the completion certificate by the Borough, the Borough may conduct a final inspection.
- (g) Inspections regarding compliance with the Stormwater Management Site Plan are a responsibility of the Borough.
- (h) The Borough may withhold an occupancy permit until a certificate of completion has been provided by the Developer.

**§908. Appeals.**

- (a) Any person aggrieved by any action of the Borough or its designee may appeal to Borough Council within thirty (30) days of that action.
- (b) Any person aggrieved by any decision of Borough Council may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the Borough decision.

(Ord. 1358, 1/14/2014, §1).

## APPENDICES

### Appendix A

### Stormwater Controls and Best Management Practices Operations and Maintenance Agreement.

Prepared by:

Return to:

Premises:

PIN:

### **STORMWATER CONTROLS AND BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_, with an address of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ (hereinafter called the “Landowner”) and the BOROUGH OF WYOMISSING, Berks County, Pennsylvania (hereinafter “Municipality”);

### **WITNESSETH**

**WHEREAS**, the Landowner is the owner of certain real property as recorded by deed in the land records of Berks County, Pennsylvania, Deed Book / Instrument Number \_\_\_\_\_ identified as Property Identification Number (PIN) \_\_\_\_\_ (hereinafter “Property”); and

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

**WHEREAS**, the Post Construction Stormwater Management Plan as part of Landowner’s \_\_\_\_\_ Final Land Development Plan, prepared by \_\_\_\_\_, dated \_\_\_\_\_, last revised \_\_\_\_\_, Plan No. \_\_\_\_\_ located on a tract consisting of \_\_\_\_\_ acres, located at the intersection of \_\_\_\_\_ and \_\_\_\_\_ in the Borough of Wyomissing which was approved by the Municipality (hereinafter referred to as the “Plan”) for the property identified herein, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs); and

**WHEREAS**, the Municipality and the Landowner, and their 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 BMPs be constructed and maintained on the Property as exhibited on the Plan; 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:

- Infiltration Trench – A linear stormwater BMP consisting of a continuously perforated pipe at a minimum slope in a stone-filled trench intended to promote recharge of stormwater into the soil.
- Seepage Pit – A subsurface storage facility that temporarily stores and infiltrates stormwater runoff from the roofs of structures.
- Rain Garden – An excavated shallow surface depression planted with specially selected native vegetation to capture, treat and/or infiltrate stormwater runoff.
- Detention Basin – An impoundment that stores and controls the discharge rate of stormwater runoff.
- Infiltration Basin – A shallow impoundment that stores and infiltrates stormwater runoff over a level, uncompacted area with relatively permeable soils.
- Vegetated Roof – A veneer of vegetation that is grown on and covers an otherwise conventional flat or pitched roof ( $\leq 30^\circ$  slope), endowing the roof with hydrologic characteristics that more closely match surface vegetation.
- Pervious Pavement – A permeable surface paving course underlain by a uniformly-graded stone bed which provides temporary storage for discharge rate control and/or infiltration of storm water runoff.
- Wet Pond – An impoundment that includes a substantial permanent pool for water quality treatment and additional capacity above the permanent pool for temporary runoff storage.
- Constructed Wetland – A shallow marsh system planted with emergent vegetation designed to treat stormwater runoff.
- Soil Amendment – The process of improving disturbed soils and low organic soils by restoring soil porosity and adding a soil amendment, such as compost, for the purpose of reestablishing the soil’s long-term capacity for stormwater infiltration and pollutant removal.
- Capture and Reuse – A wide variety of water storage techniques designed to capture precipitation, temporarily store and reuse the water for a variety of applications.
- Vegetated Swale - A broad, shallow, trapezoidal or parabolic channel, densely planted

with a variety of trees, shrubs, and/or grasses designed to attenuate and/or infiltrate runoff volume from adjacent impervious surfaces, allowing some pollutants to settle out in the process. Check dams may be used to further enhance attenuation and infiltration opportunities in steeper slopes.

- **Grassed Swale** – A relatively broad, shallow channel, densely planted with grass, designed to convey stormwater runoff and in some cases to attenuate and/or infiltrate runoff volume from adjacent impervious surfaces, allowing some pollutants to settle out in the process. Check dams may be used to further enhance attenuation and infiltration opportunities in steeper slopes.

**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 or Lessee, their successors and assigns.

**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 Recitals and terms and conditions as therein set forth, shall specifically be made part of this Agreement.
2. The BMPs shall be constructed by the Lessee in accordance with the plans and specifications identified in the Plan.
3. 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.
4. 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. Upon entry on to the Property, the Municipality hereby releases and holds harmless Landowner from any personal injury or property damage resulting from inspection of the BMP(s) except for those damages caused by the negligence of Landowner, or Landowner's authorized agents.
5. All reasonable costs for said inspections shall be borne by the Landowner and payable to the Municipality pursuant to a fee schedule established from time to time by the Borough Council of the Borough of Wyomissing. Notwithstanding the immediately preceding sentence, Landowner and Municipality have estimated the cost of said inspections during the ten (10) year inspection period to be \_\_\_\_\_ and \_\_\_\_\_/100 Dollars (\$\_\_\_\_\_.\_\_\_\_\_), which shall be paid by Landowner in advance, in consideration of the cost of such inspections, upon execution of this Agreement. Any reasonable amounts due beyond this estimated amount shall be the sole responsibility of the Landowner.

6. The Landowner hereby conveys to the Municipality easements and/or rights-of-ways of such dimensions as are reasonably necessary for access for periodic inspections by the Municipality and maintenance, if required.
7. 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, but is not required to, enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). Prior to Municipality entering the Property to maintain BMP(s), Municipality shall endeavor to give Landowner at least 30 days advance written notice, except in the case of a threat to health or safety in the judgment of the Municipality, or where required by State or Federal laws or regulations imposing a duty on the Municipality to take action. 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.
8. 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. The Landowner shall be responsible for payment of Municipality's expenses. In the event of a dispute regarding costs incurred by the Municipality in performing said work, the procedures set forth in the Pennsylvania Municipalities Planning Code, Section 510(g) shall be followed.
9. 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.
10. The Landowner, their assigns, and other successors in interests, shall release 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, with the exception of negligence or misconduct by the Municipality or its agents. 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 their own expense, any suit based on the claim but not those claims resulting for the negligence or misconduct of the Municipality or its agents. 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.
11. The Municipality shall inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

12. The following Post Construction Stormwater Best Management Practices (BMP) have been provided for this project:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

This Agreement shall be recorded at the Office of the Recorder of Deeds of Berks County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, their assigns, and any other successors in interest, in perpetuity.

ATTEST:

---

WITNESS the following signatures and seals:

(Seal)

LANDOWNER:

By: \_\_\_\_\_  
Signature

---

Print Name

---

Title

(Seal)

BOROUGH OF WYOMISSING

By: \_\_\_\_\_

---

Print Name

President of Borough Council

Attest: \_\_\_\_\_

---

Print Name

Secretary

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF BERKS :

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public, personally appeared \_\_\_\_\_, who acknowledged him/herself to be the \_\_\_\_\_ of \_\_\_\_\_, and that he/she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the entity by himself/herself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

---

Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA :  
: ss.  
COUNTY OF BERKS :

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public, personally appeared \_\_\_\_\_, who acknowledged himself to be the President of the Borough Council of Wyomissing Borough, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Borough by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

---

Notary Public

My Commission Expires:

**Appendix B**  
**Stormwater Management Design Criteria.**

TABLE B-1  
RUNOFF CURVE NUMBERS  
Source: NRCS (SCS) TR-55

TABLE B-2  
RATIONAL RUNOFF COEFFICIENTS

TABLE B-3  
MANNING ROUGHNESS COEFFICIENTS

FIGURE B-1  
RECOMMENDATION CHART FOR INFILTRATION STORMWATER MANAGEMENT  
BMPS IN CARBONATE AREAS

**TABLE B-1**  
**Runoff Curve Numbers**  
**(From NRCS (SCS) TR-55)**

LAND USE DESCRIPTION	HYDROLOGIC SOIL GROUP				
	A	B	C	D	
Open Space	44	65	77	82	
Meadow / Orchard	30	58	71	78	
Agricultural	59	71	79	83	
Forest	36	60	73	79	
Commercial	(85% Impervious)	89	92	94	95
Industrial	(72% Impervious)	81	88	91	93
Institutional	(50% Impervious)	71	82	88	90
Residential					
Average Lot Size	% impervious				
1/8 acre or less*	65	77	85	90	92
1/8 - 1/3 acre	34	59	74	82	87
1/3 - 1 acre	23	53	69	80	85
1 - 4 acres	12	46	66	78	82
Farmstead	59	74	82	86	
Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil)		98	98	98	98
Water		98	98	98	98
Mining/Newly Graded Areas (Pervious Areas Only)		77	86	91	94

\* Includes Multi-Family Housing unless justified lower density can be provided.

Note: Existing site conditions of bare earth or fallow ground shall be considered as meadow when choosing a CN value.

TABLE B-2  
RATIONAL RUNOFF COEFFICIENTS  
By Hydrologic Soils Group and Overland Slope (%)

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 <sup>a</sup> 0.14 <sup>b</sup>	0.13 0.18	0.16 0.22	0.11 0.16	0.15 0.21	0.21 0.28	0.14 0.20	0.19 0.25	0.26 0.34	0.18 0.24	0.23 0.29	0.31 0.41
Pasture	0.12 0.15	0.20 0.25	0.30 0.37	0.18 0.23	0.28 0.34	0.37 0.45	0.24 0.30	0.34 0.42	0.44 0.52	0.30 0.37	0.40 0.50	0.50 0.62
Meadow	0.10 0.14	0.16 0.22	0.25 0.30	0.14 0.20	0.22 0.28	0.30 0.37	0.20 0.26	0.28 0.35	0.36 0.44	0.24 0.30	0.30 0.40	0.40 0.50
Forest	0.05 0.08	0.08 0.11	0.11 0.14	0.08 0.10	0.11 0.14	0.14 0.18	0.10 0.12	0.13 0.16	0.16 0.20	0.12 0.15	0.16 0.20	0.20 0.25
Residential												
Lot Size 1/8 Acre	0.25 0.33	0.28 0.37	0.31 0.40	0.27 0.35	0.30 0.39	0.25 0.44	0.30 0.38	0.33 0.42	0.38 0.49	0.33 0.41	0.36 0.45	0.42 0.54
Lot Size 1/4 Acre	0.22 0.30	0.26 0.34	0.29 0.37	0.24 0.33	0.29 0.37	0.33 0.42	0.27 0.36	0.31 0.40	0.36 0.47	0.30 0.38	0.34 0.42	0.40 0.52
Lot Size 1/3 Acre	0.19 0.28	0.23 0.32	0.26 0.35	0.22 0.30	0.26 0.35	0.30 0.39	0.25 0.33	0.29 0.38	0.34 0.45	0.28 0.36	0.32 0.40	0.39 0.50
Lot Size 1/2 Acre	0.16 0.25	0.20 0.29	0.24 0.32	0.19 0.28	0.23 0.32	0.28 0.36	0.22 0.31	0.27 0.35	0.32 0.42	0.26 0.34	0.30 0.38	0.37 0.48
Lot Size 1 Acre	0.14 0.22	0.19 0.26	0.22 0.29	0.17 0.24	0.21 0.28	0.26 0.34	0.20 0.28	0.25 0.32	0.31 0.40	0.24 0.31	0.29 0.35	0.35 0.46
Industrial	0.67 0.85	0.68 0.85	0.68 0.86	0.68 0.85	0.68 0.86	0.69 0.86	0.68 0.86	0.69 0.86	0.69 0.87	0.69 0.86	0.69 0.86	0.70 0.88
Commercial	0.71 0.88	0.71 0.88	0.72 0.89	0.71 0.89	0.72 0.89	0.72 0.89	0.72 0.89	0.72 0.89	0.72 0.90	0.72 0.89	0.72 0.89	0.72 0.90
Streets	0.70 0.76	0.71 0.77	0.71 0.79	0.71 0.80	0.72 0.82	0.74 0.84	0.72 0.84	0.73 0.85	0.76 0.89	0.73 0.89	0.75 0.91	0.78 0.95
Open Space	0.05 0.11	0.10 0.16	0.14 0.20	0.08 0.14	0.13 0.19	0.19 0.26	0.12 0.18	0.17 0.23	0.24 0.32	0.16 0.22	0.21 0.27	0.28 0.39
Parking	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	0.85 0.95	0.86 0.96	0.87 0.97

<sup>a</sup> Runoff coefficients for storm recurrence intervals less than 25 years.

<sup>b</sup> Runoff coefficients for storm recurrence intervals of 25 years or more.

Source : Rawls, W.J., S.L. Wong and R.H. McCuen, 1981, "Comparison of Urban Flood Frequency Procedures", Preliminary Draft, U.S. of Agriculture, Soil Conservation Service, Baltimore, MD.

TABLE B-3

Roughness Coefficients (Manning's "n") For Overland Flow  
(U.S. Army Corps Of Engineers, HEC-1 User's Manual)

Surface Description	n
Dense Growth	0.4
Pasture	0.3
Lawns	0.2
Bluegrass Sod	0.2
Short Grass Prairie	0.1
Sparse Vegetation	0.05
Bare Clay-Loam Soil (eroded)	0.01
Concrete/Asphalt - very shallow depths (less than 1/4 inch)	0.10
- small depths (1/4 inch to several inches)	0.05
	- 0.10

Roughness Coefficients (Manning's "n") For Channel Flow

Reach Description	n
Natural stream, clean, straight, no rifts or pools	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027 <sup>(1)</sup>
High Density Polyethylene (HDPE) Pipe	
Corrugated	0.021-0.029 <sup>(2)</sup>
Smooth Lined	0.012-0.020 <sup>(2)</sup>

(1) Depending upon type, coating and diameter

(2) Values recommended by the American Concrete Pipe Association, check Manufacturer's recommended value.

FIGURE B-1  
Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock

SITE RISK FACTORS		CARBONATE BEDROCK																					
		Effective Soil Thickness	Less than 2 Feet			2 to 4 Feet						Over 4 Feet to 8 Feet						Over 8 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	
SITE INVESTIGATION RECOMMENDED		(Unacceptable)	Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		Preliminary		
DESIGN FACTORS	Infiltration Loading Rates (% Increase)**	(Unacceptable)	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%	0-100%	100-300%	300 - 500%
PROGRAM SUMMARY GUIDANCE ***		RECOMMENDED											NOT RECOMMENDED										

\* 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.

Source: Little Lehigh Creek Watershed ACT 167 – Stormwater Management Ordinance. May 2004

## Appendix C **SWM Site Plan Application.**

(To be attached to the "land subdivision plan or development plan review application or "minor land subdivision plan review application")

Application is hereby made for review of the Stormwater Management and Erosion and Sedimentation Pollution Control Plan and related data as submitted herewith in accordance with the Wyomissing Borough Stormwater Management Ordinance.

Final Plan      Preliminary Plan      Sketch Plan

Date of Submission \_\_\_\_\_ Submission No. \_\_\_\_\_

1. Name of subdivision or development\_\_\_\_\_

2. Name of Applicant \_\_\_\_\_ Telephone No. \_\_\_\_\_

2. Name of Applicant \_\_\_\_\_ Telephone No. \_\_\_\_\_

(if corporation, list the corporation's name and the names of two officers of the corporation)

(ii) corporation, list the corporation's name and the names of two officers of the corporation) **Officer 1**

---

Officer 1  
Officer 2

Address \_\_\_\_\_

Zip \_\_\_\_\_

#### Applicants interest in subdivision or development

(if other than property owner give owners name and address)

3. Name of property owner \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_

4. Name of engineer or surveyor \_\_\_\_\_ Telephone No. \_\_\_\_\_

Address \_\_\_\_\_

Zip \_\_\_\_\_

5. Type of subdivision or development proposed:

Single-Family Lots       Townhouses       Commercial(Multi-Lot)  
 Two Family Lots       Garden Apartments       Commercial (One-Lot)  
 Multi-Family Lots       Mobile-Home Park       Industrial (Multi-Lot)  
 Cluster Type Lots       Campground       Industrial (One-Lot)  
 Planned Residential Development       Other (\_\_\_\_\_)

6. Lineal feet of new road proposed \_\_\_\_\_ L.F.

7. Area of proposed and existing impervious area on entire tract.

- a. Existing (to remain) \_\_\_\_\_ S.F. \_\_\_\_\_ % of Property
- b. Proposed \_\_\_\_\_ S.F. \_\_\_\_\_ % of Property

8. Stormwater

a. Does the peak rate of runoff from proposed conditions exceed that flow which occurred for existing conditions for the designated design storm? \_\_\_\_\_

b. Design storm utilized (on-site conveyance systems) (24 hr.) \_\_\_\_\_  
No. of Subarea \_\_\_\_\_  
Watershed Name \_\_\_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Does the submission and/or district meet the release rate criteria for the applicable subarea? \_\_\_\_\_

d. Number of subarea(s) from Ordinance Appendix D of the applicable Watershed Stormwater Management Plan. \_\_\_\_\_

e. Type of proposed runoff control \_\_\_\_\_

f. Does the proposed stormwater control criteria meet the requirement/guidelines of the Stormwater Ordinance? \_\_\_\_\_

If not, what variances/waivers are requested? \_\_\_\_\_  
\_\_\_\_\_

Reasons \_\_\_\_\_

f. Does the plan meet the requirements of Part 3 of the Stormwater Ordinance? \_\_\_\_\_

If not, what variances/waivers are requested? \_\_\_\_\_

Reasons Why \_\_\_\_\_  
\_\_\_\_\_

g. Was TR-55, June 1986 utilized in determining the time of concentration? \_\_\_\_\_

h. What hydrologic method was used in the stormwater computations? \_\_\_\_\_

i. Is a hydraulic routing through the stormwater control structure submitted? \_\_\_\_\_

j. Is a construction schedule or staging attached? \_\_\_\_\_

k. Is a recommended maintenance program attached? \_\_\_\_\_

9. Erosion and Sediment Pollution Control (E&SPC):

- Has the stormwater management and E&SPC plan, supporting documentation and narrative been submitted to the Berks County Conservation District? \_\_\_\_\_
- Total area of earth disturbance \_\_\_\_\_ S.F.

10. Wetlands

- Have the wetlands been delineated by someone trained in wetland delineation? \_\_\_\_\_
- Have the wetland lines been verified by a state or federal permitting authority? \_\_\_\_\_
- Have the wetland lines been surveyed? \_\_\_\_\_
- Total acreage of wetland within the property \_\_\_\_\_
- Total acreage of wetland disturbed \_\_\_\_\_
- Supporting documentation \_\_\_\_\_

11. Filing

- Has the required fee been submitted? \_\_\_\_\_  
Amount \_\_\_\_\_
- Has the proposed schedule of construction inspection to be performed by the Applicant's engineer been submitted? \_\_\_\_\_
- Name of individual who will be making the inspections \_\_\_\_\_
- General comments about stormwater management at the development \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF BERKS.

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_ who being duly sworn, according to law, deposes and says that \_\_\_\_\_ owners of the property described in this application and that the application was made with \_\_\_\_\_ knowledge and/or direction and does hereby agree with the said application and to the submission of the same.

Property Owner

THE UNDERSIGNED HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

**SIGNATURE OF APPLICANT**

(Information Below This Line To Be Completed By The Borough)

Wyomissing Borough official submission receipt:

Date complete application received \_\_\_\_\_ Plan Number \_\_\_\_\_

Fees \_\_\_\_\_ date fees paid \_\_\_\_\_ received by \_\_\_\_\_

Official submission receipt date \_\_\_\_\_

Received by \_\_\_\_\_

---

Wyomissing Borough

**Appendix D**  
**Stormwater Management District Watershed Map(s).**

**Appendix E**  
**Low Impact Development (LID) 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 leads 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 proposed conditions runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, 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. Depressional 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.
- 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 in privately owned and maintained areas, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.

The following describes additional techniques that may be acceptable under certain conditions to achieve the alternative approach. Their use is dependent upon additional factors such as Zoning and Subdivision and Land Development regulations and these techniques are to be employed only upon approval of the appropriate Borough entity:

- 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. Borough planners and traffic designers may give consideration to 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.

- Constructing Open Space Developments. Open Space 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. Open Space development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

## Appendix F West Nile Virus Guide.

(This source is from the Monroe County, PA Conservation District who researched the potential of West Nile Virus problems from BMPs due to a number of calls they were receiving)

### Monroe County Conservation District Guidance: Stormwater Management and West Nile Virus

Source: Brodhead McMichaels Creeks Watershed Act 167 Stormwater Management Ordinance  
2/23/04

The Monroe County Conservation District recognizes the need to address the problem of non-point source pollution impacts caused by runoff from impervious surfaces. The new stormwater policy being integrated into Act 167 Stormwater Management regulations by the PA Department of Environmental Protection (PaDEP) will make non-point pollution controls an important component of all future plans and updates to existing plans. In addition, to meet post-construction anti-degradation standards under the state National Pollution Discharge Elimination System (NPDES) permitting program, applicants will be required to employ Best Management Practices (BMPs) to address non-point pollution concerns.

Studies conducted throughout the United States have shown that wet basins and in particular constructed wetlands are effective in traditional stormwater management areas such as channel stability and flood control, and are one of the most effective ways to remove stormwater pollutants (United States Environmental Protection Agency 1991, Center for Watershed Protection 2000). From Maryland to Oregon, studies have shown that as urbanization and impervious surface increase in a watershed, the streams in those watersheds become degraded (CWP 2000). Although there is debate over the threshold of impervious cover when degradation becomes apparent (some studies show as little as 6% while others show closer to 20%), there is agreement that impervious surfaces cause non-point pollution in urban and urbanizing watersheds, and that degradation is ensured if stormwater BMPs are not implemented.

Although constructed wetlands and ponds are desirable from a water quality perspective there may be concerns about the possibility of these stormwater management structures becoming breeding grounds for mosquitoes. The Conservation District feels that although it may be a valid concern, municipalities should not adopt ordinance provisions prohibiting wet basins for stormwater management.

### Mosquitoes

The questions surrounding mosquito production in wetlands and ponds have intensified in recent years by the outbreak of the mosquito-borne West Nile Virus. As is the case with all vector-borne maladies, the life cycle of West Nile Virus is complicated, traveling from mosquito to bird, back to mosquito and then to other animals including humans. *Culex pipiens* was identified as the vector species in the first documented cases from New York in 1999. This species is still considered the primary transmitter of the disease across its range. Today there are some 60 species of mosquitoes that inhabit Pennsylvania. Along with *C. pipiens*, three other

species have been identified as vectors of West Nile Virus while four more have been identified as potential vectors.

The four known vectors in NE Pennsylvania are *Culex pipiens*, *C. restuans*, *C. salinarius* and *Ochlerotatus japonicus*. All four of these species prefer, and almost exclusively use, artificial containers (old tires, rain gutters, birdbaths, etc.) as larval habitats. In the case of *C. pipiens*, the most notorious of the vector mosquitoes, the dirtier the water the better they like it. The important factor is that these species do not thrive in functioning wetlands where competition for resources and predation by larger aquatic and terrestrial organisms is high.

The remaining four species, *Aedes vexans*, *Ochlerotatus Canadensis*, *O. triseriatus* and *O. trivittatus* are currently considered potential vectors due to laboratory tests (except the *O. trivittatus*, which did have one confirmed vector pool for West Nile Virus in PA during 2002). All four of these species prefer vernal habitats and ponded woodland areas following heavy summer rains. These species may be the greatest threat of disease transmission around stormwater basins that pond water for more than four days. This can be mitigated however by establishing ecologically functioning wetlands.

### Stormwater Facilities

If a stormwater wetland or pond is constructed properly and a diverse ecological community develops, mosquitoes should not become a problem. Wet basins and wetlands constructed as stormwater management facilities, should be designed to attract a diverse wildlife community. If a wetland is planned, proper hydrologic soil conditions and the establishment of hydrophytic vegetation will promote the population of the wetland by amphibians and other mosquito predators. In natural wetlands, predatory insects and amphibians are effective at keeping mosquito populations in check during the larval stage of development while birds and bats prey on adult mosquitoes.

The design of a stormwater wetland must include the selection of hydrophytic plant species for their pollutant uptake capabilities and for not contributing to the potential for vector mosquito breeding. In particular, species of emergent vegetation with little submerged growth are preferable. By limiting the vegetation growing below the water surface, larvae lose protective cover and there is less chance of anaerobic conditions occurring in the water.

Stormwater ponds can be designed for multiple purposes. When incorporated into an open space design a pond can serve as a stormwater management facility and a community amenity. Aeration fountains and stocked fish should be added to keep larval mosquito populations in check.

Publications from the PA Department of Health and the Penn State Cooperative Extension concerning West Nile Virus identify aggressive public education about the risks posed by standing water in artificial containers (tires, trash cans, rain gutters, bird baths) as the most effective method to control vector mosquitoes.

### Conclusion

The Conservation District understands the pressure faced by municipalities when dealing with multifaceted issues such as stormwater management and encourages the incorporation of water quality management techniques into stormwater designs. As Monroe County continues to grow, conservation design, groundwater recharge and constructed wetlands and ponds should be among the preferred design options to reduce the impacts of increases in impervious surfaces. When designed and constructed appropriately, the runoff mitigation benefits to the community from these design options will far outweigh their potential to become breeding grounds for mosquitoes.

## Appendix G References.

### BMP Manuals

#### California

California Stormwater BMP Handbook: New Development and Redevelopment (January 2003) – separate file available at <http://www.cabmphandbooks.org/Development.asp>

#### Georgia

Georgia Stormwater Management Manual Volume 2: Technical Handbook (August 2001) separate file (<http://www.georgiastormwater.com/>)

#### Maryland

2000 Maryland Stormwater Design Manual –  
<http://www.mde.state.md.us/Programs/Waterprograms/SedimentandStormwater/stormwater%20design/index.asp>

#### Massachusetts

Stormwater Management, Volume Two: Stormwater Technical Handbook (Massachusetts, 1997) – separate file available at  
<http://www.state.ma.us/dep/brp/stormwtr/stormpub.htm>

#### Minnesota

Minnesota Urban Small Sites BMP Manual: Stormwater Best Management Practices for Cold Climates (July 2001) –  
<http://www.metrocouncil.org/environment/Watershed/BMP/manual.htm>

#### New Jersey

Revised Manual for New Jersey: Best Management Practices for Control of Non-point Source Pollution from Stormwater (Fifth Draft May 2000) –  
<http://www.state.nj.us/dep/watershedmgt/bmpmanual.htm>

#### New York

New York State Stormwater Management Design Manual (2001) –  
<http://www.dec.state.ny.us/website/dow/swmanual/swmanual.html>

#### Pennsylvania

Pennsylvania Association of Conservation Districts, Pennsylvania Handbook of Best Management Practices for Developing Areas, November 14, 1997.

Pennsylvania Department of Environmental Protection, Pennsylvania Stormwater Best Management Practices Manual, December 30, 2006 –

<http://www.depweb.state.pa.us/watershedmgmt/cwp/view.asp?a=1437&Q=518682&PM=1>

Washington

Stormwater Management Manual for Western Washington (August 2001) –  
<http://www.ecy.wa.gov/programs/wq/stormwater/manual.html>

Federal

Stormwater Best Management Practices in an Ultra-Urban Setting: Selection and Monitoring (FHWA) – <http://www.fhwa.dot.gov/environment/ultraurb/3fs1.htm>

USEPA Infiltration Trench Fact Sheet (September 1999) –  
<http://cfpub.epa.gov/npdes/stormwater/menufbmps/post.cfm>

### Riparian Buffer References

Alliance for the Chesapeake Bay, Pennsylvania Department of Environmental Protection, September 2000. *Forest Buffer Toolkit*, Stream ReLeaf Program.

Penn State College of Agricultural Sciences, 1996. *Establishing Vegetative Buffer Strips Along Streams to Improve Water Quality*. Publication # AGRS-67.

Fike, Jean, June 1999. *Terrestrial & Palustrine Plant Communities of Pennsylvania*, Pennsylvania Natural Diversity Inventory, The Nature Conservancy, Western Pennsylvania Conservancy, and Pennsylvania Department of Conservation and Natural Resources.

Pennsylvania Association of Conservation Districts, Inc., Keystone Ordinance, Soil and Water Conservation Society, Pennsylvania Department of Environmental Protection, Natural Resources Conservation Service, 1998. *Pennsylvania Handbook of Best Management Practices for Developing Areas*. Prepared by CH2MHill.

Palone, R. S. and A. H. Todd (eds), 1997. *Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers*. Chesapeake Bay Program and Northeastern Area State and Private Forestry. Natural Resources Conservation Service Cooperative State Research Education and Extension Services.

The Federal Interagency Stream Restoration Working Group (FISRWG, 10/1998). Stream Corridor Restoration Principles, Processes, and Practices. GPO Item No. 0120-A; SuDocs No. A57.6/2:EN3/PT.653. ISBN-0-934213-59-3. Published October 1998. Revised August 2000.