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## Part 1

### Water Conservation

#### **§101. Purpose.**

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental or public building or structure of any kind which is constructed or remodeled, and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction a permit is required to be obtained from the Borough of Coplay (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §104 of this Part. The provisions of this ordinance shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued for such an exemption, on or after. (Ord. 615, 7/12/1988, §1)

#### **§102. Discharge of Waste Water.**

Customers shall be encouraged not to permit any water furnished by the N.B.M.A. (Northampton Borough Municipal Authority) to run to waste in any gutter or other impervious surface. (Ord. 615, 7/12/1988, §2)

#### **§103. Conservation Efforts Recommended.**

Each resident or property owner of the Borough of Coplay is urged to install fixtures which will reduce the quantity of water required to flush toilets and to reduce the flow rates of showers and faucets. (Ord. 615, 7/12/1988, §3)

#### **§104. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.**

1. Water Closets and Associated Flushing Mechanisms. The water consumption of water closets shall not exceed an average of one and six tenths (1.6) gallons per flush cycle over a range of test pressures from twenty (20) to eighty (80) psi. The fixtures shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.
2. Urinals and Associated Flushing Mechanisms. Urinal water consumption shall not exceed an average of one and five tenths (1.5) gallons per flush cycle over a range of test pressures from twenty (20) to eighty (80) psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.

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(Ord. 615, 7/12/1988, §4; as amended by Ord. 632, 7/9/1991)

### **§105. Showerheads.**

Showerhead discharge rates shall not exceed two and three quarter (2.75) gallons of water per minute over a range of test pressures from twenty (20) to (80) psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M. (Ord. 615, 7/12/1988, Art. 3; as amended by Ord. 632, 7/9/1991)

### **§106. Sink Faucets.**

1. Kitchen sink faucet discharge rates shall not exceed two and three quarters (2.75) gallons of water per minute over a range of test pressures from twenty (20) to eighty (80) psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M. [Ord. 632]
2. Residential lavatory sink faucet discharge rates shall not exceed two and three quarters (2.75) gallons of water per minute over a range of test pressures from twenty (20) to eighty (80) psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M. [Ord. 632]
3. Non-residential lavatory faucets shall be either self-closing or metering faucets as described below:
  - A. Self-closing faucets shall not exceed an average discharge rate of .05 gpm between the pressures of twenty (20) and eighty (80) psig when tested in accordance with the Discharge test procedure cited in ANSI A112.18.1, Finished and Rough Brass Plumbing Fixture Fittings.
  - B. Metering Faucets shall be field adjustable and set so that the discharge quantity shall not exceed 0.5 gallons of water per cycle.

(Ord. 615, 7/12/1988, Art. 4; as amended by Ord. 632, 7/9/1991)

### **§107. Blowout Toilets and Urinals.**

Replacement of blowout toilet and urinal fixtures with like type fixtures may be granted by local officials upon request where adequate justification of special need is provided. (Ord. 615, 7/12/1988, Art. 5)

**§108. Pressure Reducing Valve.**

Where the service water pressure to a building is expected to exceed sixty (60) psi a water pressure reducing valve with strainer shall be installed just down stream of the building's main valve so as to be accessible. The valve shall provide for pressure adjustment within the range of fifty (50) to sixty (60) psi. The valve shall conform to the requirements of product standard ASSE 1003. Exemptions to this Section are service lines to sill cocks, outside hydrants, and main supply risers to buildings where pressure from the mains does not exceed sixty (60) psi at the fixture branches or at individual fixtures. (Ord. 615, 7/12/1988, Art. 6)

**§109. Right to Exemption of this Part.**

Any person(s) may apply to the Borough of Coplay for an exception to the terms of this Part, which exception may be granted in the discretion of the Borough Council, upon proof that some other device, system or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship. (Ord. 615, 7/12/1988, §5)

**§110. Right to Revise.**

The Borough Council of the Borough of Coplay may, from time to time, modify, add to, or remove from the standards and restriction herein. (Ord. 615, 7/12/1988, §6)

**§111. Penalties.**

Any person violating any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred ( 600.00) dollars and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 615, 7/12/1988, §7; as amended by Ord. 623, 2/13/1990)





**Part 2**

**Little Lehigh Creek Watershed Act 167 - Stormwater Management Ordinance**

[NOTE: \*Throughout the Part, where an asterisk appears, the ordinance provided that "these provisions are from the DEP Guidance on MS4 Ordinance Provisions and are not required for municipalities not subject to the NPDES Phase II regulations."]

**A. General Provisions.**

**§201. Short Title.**

This Part shall be known and may be cited as the "Little Lehigh Creek Watershed Act 167 Stormwater Management Ordinance."

(Ord. 741, 3/8/2005, Art. 1, §101)

**§202. Statement of Findings.**

The governing body of the Municipality finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, changes the natural hydrologic patterns, destroys aquatic habitat, elevates aquatic pollutant concentrations and loadings, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion and loss of natural infiltration, is fundamental to the public health, safety and welfare and the protection of the people of the Municipality and all of the people of the Commonwealth, their resources and the environment.
- C. Stormwater can be an important resource by providing groundwater recharge for water supplies and baseflow of streams, which also protects and maintains surface water quality.\*
- D. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.\*

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- E. 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).\*
- F. Nonstormwater discharges to Municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality.\*

(Ord. 741, 3/8/2005, Art. 1, §102)

### §203. Purpose.

The purpose of this Part is to promote the public health, safety and welfare within the Little Lehigh Creek Watershed by minimizing the damages and maximizing the benefits described in §202 of this Part by provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities which cause such problems.
- B. Utilize and preserve the desirable existing natural drainage systems.
- C. Encourage infiltration of stormwater, where appropriate, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- D. Maintain the existing flows and quality of streams and watercourses in the Municipality and the Commonwealth.
- E. Preserve and restore the flood carrying capacity of streams.
- F. Provide for proper maintenance of all permanent stormwater management BMPs that are implemented in the Municipality.
- G. Provide review procedures and performance standards for stormwater planning, design and management.\*
- H. Manage stormwater impacts close to the runoff source which requires a minimum of structures and relies on natural processes.\*
- I. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 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.\*
- J. Prevent scour and erosion of streambanks and streambeds.\*

K. Provide standards to meet the NPDES permit requirements.\*

(Ord. 741, 3/8/2005, Art. 1, §103)

**§204. Statutory Authority.**

The Municipality 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 Stormwater Management Act and the Little Lehigh Creek Watershed Act 167 -- Stormwater Management Ordinance.

(Ord. 741, 3/8/2005, Art. 1, §104)

**§205. Applicability.**

1. This Part shall only apply to those areas of the Municipality which are located within the Little Lehigh Creek Watershed as delineated on an official map available for inspection at the Municipal office. A map of the Little Lehigh Creek Watershed at a reduced scale is included in Appendix A for general reference.<sup>1</sup>
2. The following activities are defined as regulated activities and shall be governed by this Part:
  - A. Land development.
  - B. Subdivision.
  - C. Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
  - D. Construction of new buildings or additions to existing buildings.
  - E. Diversion or piping of any natural or man-made stream channel.
  - F. Installation of stormwater systems or appurtenances thereto.
  - G. Regulated earth disturbance activities.\*

(Ord. 741, 3/8/2005, Art. 1, §105)

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<sup>1</sup> Editor's Note: Said document is available at the Borough offices.

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### §206. Exemptions.

1. **Impervious Cover.** Any proposed regulated activity, except those defined in §205(E) and (F), which would create 10,000 square feet or less of additional impervious cover is exempt from the drainage plan preparation provisions of this Part. The date of the Municipal Ordinance adoption of the original Little Lehigh Act 167 Stormwater Management Ordinance (1988) 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. For development taking place in stages, the entire development plan must be used in determining conformance with these criteria. Additional impervious cover shall include, but not be limited to, additional indoor living spaces, decks, patios, garages, driveways, storage sheds and similar structures, any roof, parking or driveway areas and any new streets and sidewalks constructed as part of or for the proposed regulated activity. Any additional areas proposed to initially be gravel, crushed stone, porous pavement, etc. shall be assumed to be impervious for the purposes of comparison to the exemption criteria. Any existing gravel, crushed stone or hard packed soil areas on a site shall be considered as pervious cover for the purpose of exemption evaluation. All of the impervious cover added incrementally to a site above the initial 10,000 square feet shall be subject to the provisions of this Part. If a site has previously received an exemption and is proposing additional development such that the total impervious cover on the site exceeds 10,000 square feet, the total impervious cover on the site proposed since the original ordinance date must meet the provisions of this Part.
2. **Prior drainage plan approval.** Any regulated activity for which a drainage plan was previously prepared as part of a subdivision or land development proposal that received preliminary plan approval from the Municipality prior to the effective date of this Part is exempt from the drainage plan preparation provisions of this Part, except as cited in subsection (C), provided that the approved drainage plan included design of stormwater facilities to control runoff from the site currently proposed for regulated activities consistent with ordinance provisions in effect at the time of approval and the approval has not lapsed under the Municipalities Planning Code. If significant revisions are made to the drainage plan after both the preliminary plan approval and the effective date of this Part, preparation of a new drainage plan, subject to the provisions of this Part, shall be required. Significant revisions would include a change in control methods or techniques, relocation or redesign of control measures or changes necessary because soil or other conditions are not as stated on the original drainage plan.
3. These exemptions shall not relieve the applicant from implementing such measures as are necessary to protect health, safety, property and State water quality requirements. These measures include adequate and safe conveyance of stormwater on the site and as it leaves the site. These exemptions do not relieve the applicant from the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

4. No exemptions shall be provided for regulated activities as defined in §205(E) and (F).

(Ord. 741, 3/8/2005, Art. 1, §106)

#### **§207. Severability.**

Should any section or provision of this Part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Part.

(Ord. 741, 3/8/2005, Art. 1, §108)

#### **§208. Compatibility with Other Ordinance Requirements.**

Approvals issued pursuant to this Part do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance.

(Ord. 741, 3/8/2005, Art. 1, §109)

#### **§209. Duty of Persons Engaged in Development of Land.**

Notwithstanding any provisions of this Part, including exemption and waiver provisions, any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required to manage the rate, volume, direction and quality of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

(Ord. 741, 3/8/2005, Art. 1, §110)

### **B. Definitions.**

#### **§211. Definitions.**

For the purposes of this Part, 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.

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- 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 words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

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

**BEST MANAGEMENT PRACTICE (BMP)** — activities, facilities, measures or procedures used to manage stormwater quantity and quality impacts from the regulated activities listed in §205, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Part.\*

**BEST MANAGEMENT PRACTICE OPERATIONS AND MAINTENANCE PLAN** — documentation, included as part of a drainage plan, detailing the proposed BMPs, how they will be operated and maintained and who will be responsible.\*

**BIORETENTION** — densely vegetated, depressed features that store stormwater and filter it through vegetation, mulch, planting soil, etc. Ultimately stormwater is evapotranspired, infiltrated, or discharged. Optimal bioretention areas mimic natural forest ecosystems in terms of species diversity, density, distribution, use of native plants, etc.

**BUFFER** —

- A. **STREAMSIDE BUFFER** — a zone of variable width located along a stream that is vegetated and is designed to filter pollutants from runoff.
- B. **SPECIAL GEOLOGIC FEATURE BUFFER** — a required isolation distance from a special geologic feature to a proposed BMP needed to reduce the risk of sinkhole formation due to stormwater management activities.

**CAPTURE/REUSE** — stormwater management techniques such as cisterns and rain barrels which direct runoff into storage devices, surface or subsurface, for later reuse, such as for irrigation of gardens and other planted areas. Because this stormwater is utilized and no pollutant discharge results, water quality performance is superior to other noninfiltration BMPs.

**CARBONATE BEDROCK** — rock consisting chiefly of carbonate minerals, such as limestone and dolomite; specifically a sedimentary rock composed of more than 50% by weight of carbonate minerals that underlies soil or other unconsolidated, superficial material.

**CISTERN** — an underground reservoir or tank for storing rainwater.

**CLOSED DEPRESSION** — a distinctive bowl-shaped depression in the land surface. It is characterized by internal drainage, varying magnitude, and an unbroken ground surface.

**CONSERVATION DISTRICT** — the Lehigh or Berks County Conservation District, as applicable.

**CONSTRUCTED WETLANDS** — constructed wetlands are similar to wet ponds (see below) and consist of a basin which provides for necessary stormwater storage as well as a permanent pool or water level, planted with wetland vegetation. To be successful, constructed wetlands must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water). In these cases, the permanent pool must be designed carefully, usually with shallow edge benches, so that water levels are appropriate to support carefully selected wetland vegetation.

**CULVERT** — a pipe, conduit or similar structure including appurtenant works which carries surface water.

**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.

**DEP** — the Pennsylvania Department of Environmental Protection (formerly the Pennsylvania Department of Environmental Resources).

**DESIGN STORM** — the depth and time distribution of precipitation from a storm event measured in probability of occurrence (e.g., fifty-year storm) and duration (e.g. twenty-four-hour), and used in computing stormwater management control systems.

**DETENTION BASIN** — a basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**DEVELOPER** — a person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any regulated activity of this Part.

**DEVELOPMENT SITE (SITE)** — the specific tract of land for which a regulated activity is proposed.

**DIFFUSED DRAINAGE** — see “Sheet Flow.”

**DRAINAGE EASEMENT** — a right granted by a land owner to a grantee, allowing the use of private land for stormwater management purposes.

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**DRAINAGE PLAN** — the documentation of the proposed stormwater quantity and quality management controls to be used for a given development site, including a BMP operations and maintenance plan, the contents of which are established in §233.

**EARTH DISTURBANCE ACTIVITY** — a construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.\*

**EROSION** — the removal of soil particles by the action of water, wind, ice or other geological agents.

**EXISTING USES** — those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards. (25 Pa. Code Chapter 93.1)

**FILL** — man-made deposits of natural soils or rock products and waste materials.

**FILTER STRIPS** — see “vegetated buffers.”

**FREEBOARD** — the incremental depth in a stormwater management structure, provided as a safety factor of design, above that required to convey the design runoff event.

**GROUNDWATER RECHARGE** — replenishment of existing natural underground water supplies.

**HARDSHIP WAIVER REQUEST** — a written request for a waiver alleging that the provisions of this Part inflict unnecessary hardship upon the applicant. Waivers from the water quality provisions of this Part shall not be granted.

**HOT SPOT LAND USES** — a land use or activity that generates higher concentrations of hydrocarbons, trace metals or other toxic substances than typically found in stormwater runoff. These land uses are listed in §224(16).

**IMPERVIOUS SURFACE (IMPERVIOUS COVER)** — a surface which prevents the percolation of water into the ground.

**INFILTRATION PRACTICE** — a practice designed to direct runoff into the ground, e.g., french drain, seepage pit, seepage trench or bioretention area.

**KARST** — a type of topography or landscape characterized by depressions, sinkholes, limestone towers and steep-sided hills, underground drainage and caves. Karst is usually formed on carbonate rocks, such as limestones or dolomites and sometimes gypsum.



**LAND DEVELOPMENT** — the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings, or the division or allocation of land or space 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; a subdivision of land.

**LOADING RATE** — the ratio of the land area draining to the system, as modified by the weighting factors in §227(2), compared to the base area of the infiltration system.

**LOW IMPACT DEVELOPMENT** — a development approach that promotes practices that will minimize postdevelopment runoff rates and volumes thereby minimizing needs for artificial conveyance and storage facilities. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage.

**LOCAL RUNOFF CONVEYANCE FACILITIES** — any natural channel or man-made conveyance system which has the purpose of transporting runoff from the site to the mainstem.

**MAINSTEM (MAIN CHANNEL)** — any stream segment or other conveyance used as a reach in the Little Lehigh Creek hydrologic model.

**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.

**MARYLAND STORMWATER DESIGN MANUAL** — a stormwater design manual written by the Maryland Department of the Environment and the Center for Watershed Protection. As of January 2004, the Manual can be obtained through the following Web site: [www.mde.state.md.us](http://www.mde.state.md.us).

**MINIMUM DISTURBANCE/MINIMUM MAINTENANCE PRACTICES (MD/MM)** — a site design practice in which careful limits are placed on site clearance prior to development allowing for maximum retention of existing vegetation (woodlands and other), minimum disturbance and compaction of existing soil mantle and minimum site application of chemicals postdevelopment. Typically, MD/MM includes disturbance setback criteria from buildings as well as related site improvements such as walkways, driveways, roadways, and any other improvements. These criteria may vary by community context as well as by type of development being proposed. Additionally, MD/MM also shall include provisions (e.g., deed restrictions, conservation easements) to protect these areas from future disturbance and from application of fertilizers, pesticides, and herbicides.

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MUNICIPALITY — Borough of Coplay, Lehigh County, Pennsylvania.

NO HARM OPTION — the option of using a less restrictive runoff quantity control if it can be shown that adequate and safe runoff conveyance exists and that the less restrictive control would not adversely affect health, safety and property.

NPDES — National Pollutant Discharge Elimination System.

NRCS — Natural Resource Conservation Service, U.S. Department of Agriculture. (Formerly the Soil Conservation Service.)

OIL/WATER SEPARATOR — a structural mechanism designed to remove free oil and grease (and possibly solids) from stormwater runoff.

OUTFALL — point source as described in 40 CFR §122.2 at the point where the Municipality's storm sewer system discharges to surface waters of the Commonwealth.\*

PEAK DISCHARGE — the maximum rate of flow of stormwater runoff at a given location and time resulting from a specified storm event.

PENN STATE RUNOFF MODEL (PSRM) — the computer-based hydrologic modeling technique used in previous Act 167 Plans. PSRM was also updated to include water quality modeling capabilities and renamed PSRM-QUAL. The PSRM and PSRM-QUAL calculation methodologies were used as the basis for writing the WATERSHED model.

PERSON — an individual, partnership, public or private association or corporation, or a governmental unit, public utility or other for- or not-for-profit statutory entity or other legal entity whatsoever which is recognized by law as the subject of rights and duties.\*

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.\*

PRELIMINARY SITE INVESTIGATION — the determination of the depth to bedrock, the depth to the seasonal high water table and the soil permeability for a possible infiltration location on a site through the use of published data and on-site surveys. In carbonate bedrock areas, the location of special geologic features must also be determined along with the associated buffer distance to the possible infiltration area. See Appendix G.

PUBLIC WATER SUPPLIER — a person who owns or operates a public water system.

**PUBLIC WATER SYSTEM** — a system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (See 25 Pa. Code Chapter 109.)

**QUALIFIED GEOTECHNICAL PROFESSIONAL** — a licensed professional geologist or a licensed professional engineer who has a background or expertise in geology or hydrogeology.

**RATIONAL METHOD** — a method of peak runoff calculation using a standardized runoff coefficient (rational 'c'), acreage of tract and rainfall intensity determined by return period and by the time necessary for the entire tract to contribute runoff. The rational method formula is stated as follows:  $Q = ciA$ , where "Q" is the calculated peak flow rate in cubic feet per second, "c" is the dimensionless runoff coefficient (see Appendix C), "i" is the rainfall intensity in inches per hour, and "A" is the area of the tract in acres.

**REACH** — any of the natural or man-made runoff conveyance channels used for watershed runoff modeling purposes to connect the subareas and transport flows downstream.

**REGULATED ACTIVITIES** — actions or proposed actions which impact upon proper management of stormwater runoff and which are governed by this Part as specified in §205.

**REGULATED EARTH DISTURBANCE ACTIVITIES** — earth disturbance activity other than agricultural plowing or tilling of one acre or more with a point source discharge to surface waters or to the Municipality's storm sewer system or earth disturbance activity of five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part or during any stage of, a larger common plan of development.\*

**RELEASE RATE** — the percentage of the predevelopment peak rate of runoff for a development site to which the postdevelopment peak rate of runoff must be controlled to avoid peak flow increases throughout the watershed.

**RETURN PERIOD** — the average interval in years over which an event of a given magnitude can be expected to recur. For example, the twenty-five-year return period rainfall or runoff event would be expected to recur on the average once every 25 years.

**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.\*

**RUNOFF** — that part of precipitation which flows over the land.

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**SEDIMENT TRAPS/CATCH BASIN SUMPS** — a chamber which provides storage below the outlet in a storm inlet to collect sediment, debris and associated pollutants, typically requiring periodic cleanout.

**SEEPAGE PIT/SEEPAGE TRENCH** — an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

**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.\*

**SHEET FLOW** — stormwater runoff flowing in a thin layer over the ground surface.

**SOIL-COVER-COMPLEX METHOD** — a method of runoff computation developed by NRCS which is based upon relating soil type and land use/cover to a runoff parameter called a Curve Number.

**SPECIAL GEOLOGIC FEATURES** — carbonate bedrock features, including, but not limited to, closed depressions, existing sinkholes, fracture traces, lineaments, joints, faults, caves and pinnacles, which may exist and must be identified on a site when stormwater management BMPs are being considered.

**SPILL PREVENTION AND RESPONSE PROGRAM** — a program that identifies procedures for preventing and, as needed, cleaning up potential spills and makes such procedures known and the necessary equipment available to appropriate personnel.

**STATE WATER QUALITY REQUIREMENTS** — as defined under State regulations — protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96) — including:\*

- A. Each stream segment in Pennsylvania has a designated use, such as cold water fishes or potable water supply, which are listed in Chapter 93. These uses must be protected and maintained, under State regulations.
- B. Existing uses are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated earth disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After regulated earth disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes

and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

**STORAGE INDICATION METHOD** — a method of routing or moving an inflow hydrograph through a reservoir or detention structure. The method solves the mass conservation equation to determine an outflow hydrograph as it leaves the storage facility.

**STORM DRAINAGE PROBLEM AREAS** — areas which lack adequate stormwater collection and/or conveyance facilities and which present a hazard to persons or property. These areas are either documented in Appendix B of this Part<sup>2</sup> or identified by the Municipality or Municipal engineer.

**STORM SEWER** — a system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

**STORMWATER** — the surface runoff generated by precipitation reaching the ground surface.

**STORMWATER FILTERS** — any number of structural mechanisms such as multichamber catch basins, sand/peat filters, sand filters, and so forth, which are installed to intercept stormwater flow and remove pollutants prior to discharge. Typically, these systems require periodic maintenance and cleanout.

**STORMWATER MANAGEMENT PLAN** — the plan for managing stormwater runoff adopted by Lehigh County for the Little Lehigh Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Stormwater Management Act."

**STREAM** — a watercourse.

**SUBAREA** — the smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control 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, transfer of ownership or building or lot ownership.

**SURFACE WATERS OF THE COMMONWEALTH** — any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and all other bodies or channels of

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<sup>2</sup> Editor's Note: Said document is available at the Borough offices.

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conveyance of surface water, 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. See also Vegetated Swale.

**TECHNICAL BEST MANAGEMENT PRACTICE MANUAL & INFILTRATION FEASIBILITY REPORT, NOVEMBER 2002** — the report written by Cahill Associates that addresses the feasibility of infiltration in carbonate bedrock areas in the Little Lehigh Creek Watershed. The report is available at the Lehigh Valley Planning Commission (LVPC) offices.

**TRASH/DEBRIS COLLECTORS** — racks, screens or other similar devices installed in a storm drainage system to capture coarse pollutants (trash, leaves, etc.).

**VEGETATED BUFFERS** — gently sloping areas that convey stormwater as sheet flow over a broad, densely vegetated earthen area, possibly coupled with the use of level spreading devices. Vegetated buffers should be situated on minimally disturbed soils, have low-flow velocities and extended residence times.

**VEGETATED ROOFS** — vegetated systems installed on roofs that generally consist of a waterproof layer, a root-barrier, drainage layer (optional), growth media, and suitable vegetation. Vegetated roofs store and eventually evapotranspire the collected rooftop rainfall; overflows may be provided for larger storms.

**VEGETATED SWALES** — broad, shallow, densely vegetated, earthen channels designed to treat stormwater while slowly infiltrating, evapotranspiring, and conveying it. Swales should be gently sloping with low flow velocities to prevent erosion. Check dams may be added to enhance performance.

**WATER QUALITY INSERTS** — any number of commercially available devices that are inserted into storm inlets to capture sediment, oil, grease, metals, trash, debris, etc.

**WATERCOURSE** — any channel of conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**WATERSHED** — the entire region or area drained by a river or other body of water, whether natural or artificial.

**WATERSHED** — the computer-based hydrologic modeling technique adapted to the Little Lehigh Creek Watershed for the Act 167 Plan. This model was written by Tarsi Software Laboratories and uses the same algorithms found in the Penn State Runoff Quality Model (PSRM-QUAL). The model has been calibrated to reflect actual flow values by adjusting key model input parameters.

WET DETENTION PONDS — a basin that provides for necessary stormwater storage as well as a permanent pool of water. To be successful, wet ponds must have adequate natural hydrology (both runoff inputs as well as soils and water table which allow for maintenance of a permanent pool of water) and must be able to support a healthy aquatic community so as to avoid creation of mosquito and other health and nuisance problems.

(Ord. 741, 3/8/2005, Art. 2)

### **C. Stormwater Management Requirements.**

#### **§221. General Requirements.**

1. All regulated activities in the Municipality shall be subject to the stormwater management requirements of this Part.
2. Storm drainage systems shall be provided to permit unimpeded flow in natural watercourses except as modified by stormwater detention facilities, pipe systems or open channels consistent with this Part.
3. The existing locations of concentrated drainage discharge onto adjacent property shall not be altered without written approval of the affected property owner(s).
4. Areas of existing diffused drainage discharge onto adjacent property shall be managed such that, at minimum, the peak diffused flow does not increase in the general direction of discharge, except as otherwise provided in this Part. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the developer must document that there are adequate downstream conveyance facilities to safely transport the concentrated discharge to the point of predevelopment flow concentration, to the stream reach or otherwise prove that no harm will result from the concentrated discharge. Areas of existing diffused drainage discharge shall be subject to any applicable release rate criteria in the general direction of existing discharge whether they are proposed to be concentrated or maintained as diffused drainage areas.
5. Where a site is traversed by watercourses other than those for which a one-hundred-year floodplain is defined by the Municipality, there shall be provided drainage easements conforming substantially with the line of such watercourses. The width of any easement shall be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with §227 for the one-hundred-year return period runoff and to provide a freeboard allowance of one-half foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic maintenance of the easement to ensure proper runoff conveyance shall be required. Watercourses for which the one-hundred-year floodplain is formally defined are subject to the applicable Municipal floodplain regulations.

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6. When it can be shown that, due to topographic conditions, natural drainage swales on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainage swales. Capacities of open channels shall be calculated using the Manning Equation.
7. Postconstruction BMPs shall be designed, installed, operated and maintained to meet the requirements of the Clean Streams Law and implementing regulations, including the established practices in 25 Pa. Code Chapter 102 and the specifications of this Part as to prevent accelerated erosion in watercourse channels and at all points of discharge.
8. No earth disturbance activities associated with any regulated activities shall commence until approval by the Municipality of a plan which demonstrates compliance with the requirements of this Part.\*
9. Techniques described in Appendix F (Low Impact Development) of this Part are encouraged because they reduce the costs of complying with the requirements of this Part and the State water quality requirements.\*
10. Infiltration for stormwater management is encouraged where soils and geology permit, consistent with the provisions of this Part and, where appropriate, the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D. Infiltration is encouraged for capturing and treating the water quality volume (as calculated in §224), any part of the water quality volume or for otherwise meeting the purposes of this Part.

(Ord. 741, 3/8/2005, Art. 2, §301)

### **§222. Permit Requirements by Other Government Entities.\***

The following permit requirements apply to certain regulated and earth disturbance activities and must be met prior to commencement of regulated and earth disturbance activities, as applicable:

- A. All regulated and earth disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainageways subject to permit by DEP under 25 Pa. Code Chapter 102.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.



- D. Any stormwater management facility that would be located on a State highway right-of-way or require access from a State highway shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

(Ord. 741, 3/8/2005, Art. 3, §302)

**§223. Erosion and Sediment Control During Regulated Earth Disturbance Activities.\***

1. No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of an erosion and sediment control plan for construction activities. Written approval by DEP or a delegated County Conservation District shall satisfy this requirement.
2. An erosion and sediment control plan is required by DEP regulations for any earth disturbance activity of 5,000 square feet or more under Pa. Code §102.4(b).
3. A DEP NPDES Stormwater Discharges Associated with Construction Activities Permit is required for regulated earth disturbance activities under Pa. Code Chapter 92.
4. Evidence of any necessary permit(s) for regulated earth disturbance activities from the appropriate DEP regional office or county conservation district must be provided to the Municipality before the commencement of an earth disturbance activity.
5. A copy of the erosion and sediment control plan and any permit, as required by DEP regulations, shall be available at the project site at all times.

(Ord. 741, 3/8/2005, Art. 3, §303)

**§224. Postconstruction Water Quality Criteria.**

1. No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with this Part. DEP has determined that this Part meets State water quality requirements. Therefore, any approvals under this Part would satisfy the postconstruction stormwater management requirements associated with an NPDES permit for stormwater discharges associated with construction activities.\*

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2. The water quality volume (WQv) shall be captured and treated. The WQv shall be calculated two ways. First, WQv shall be calculated using the following formula:

$$WQv = \frac{(c)(P)(A)}{12}$$

Where WQv = water quality volume in acre-feet  
c = rational method postdevelopment runoff coefficient for the two-year storm  
P = 1.25 inches  
A = Area in acres of proposed regulated activity

Second, the WQv shall be calculated as the difference in runoff volume from pre-development to postdevelopment for the two-year return period storm. The effect of closed depressions on the site shall be considered in this calculation. The larger of these two calculated volumes shall be used as the WQv to be captured and treated, except that in no case shall the WQv be permitted to exceed 1.25 inches of runoff over the site area.

3. The WQv shall be calculated for each postdevelopment drainage direction on a site for sizing BMPs. Site areas having no impervious cover and no proposed disturbance during development may be excluded from the WQv calculations and do not require treatment.
4. If an applicant is proposing to use a wet pond, constructed wetland or other BMP that ponds water on the land surface and may receive direct sunlight, the discharge from that BMP must be treated by infiltration, a vegetated buffer, filter strip, bioretention, vegetated swale or other BMP that provides a thermal benefit to protect the high quality waters of the Little Lehigh Creek from thermal impacts.
5. Any stormwater runoff from the site as a result of the regulated activities must either be treated with infiltration or two acceptable BMPs such as those listed in subsection (14).
6. Infiltration BMPs shall not be constructed on fill.
7. The applicant shall document the bedrock type(s) present on the site from published sources. Any apparent boundaries between carbonate and noncarbonate bedrock shall be verified through more detailed site evaluations by a qualified geotechnical professional.
8. For each proposed regulated activity in the watershed, the applicant shall conduct a preliminary site investigation on the portion of the site that is judged to be the best candidate hydrogeologically for possible infiltration, including gathering data from published sources, a field inspection of the site, a minimum of one test pit and a minimum of two percolation tests, as outlined in Appendix G. This investi-

gation will determine depth to bedrock, depth to the seasonal high water table, soil permeability and location of special geologic features, if applicable. The location(s) of special geologic features shall be verified by a qualified geotechnical professional.

9. Noncarbonate areas infiltration criteria.

A. For entirely noncarbonate sites, the WQv shall be infiltrated unless the applicant demonstrates that it is infeasible to infiltrate the WQv for reasons of seasonal high water table, permeability rate, soil depth or isolation distances; or except as provided in subsection (20). The preliminary site investigation described in subsection (8) shall continue on different areas of the site until a suitable infiltration location is found or the entire site is determined to be infeasible for infiltration. For proposed infiltration areas, the additional site investigation and testing as outlined in Appendix G shall be completed. The Municipality may determine infiltration to be infeasible if there are known existing conditions or problems that may be worsened by the use of infiltration. The following conditions are suitable for infiltration in noncarbonate areas:

- (1) Depth to bedrock below the invert of the BMP greater than or equal to two feet.
- (2) Depth to seasonal high water table below the invert of the BMP greater than or equal to three feet. (If the depth to bedrock is between two and three feet and the evidence of the seasonal high water table is not found in the soil, no further testing to locate the depth to seasonal high water table is required.)
- (3) Soil permeability greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour.
- (4) Setback distances or buffers as follows:
  - (a) 100 feet from water supply wells.
  - (b) 10 feet downgradient or 100 feet upgradient from building foundations.
  - (c) 50 feet from septic system drainfields.
  - (d) 50 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 50 feet of the proposed infiltration area.

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- (e) 100 feet from the property line, unless documentation is provided to show that all setbacks from wells, foundations and drainfields on neighboring properties will be met.
  - B. If it is not feasible to infiltrate the full WQv, the applicant shall infiltrate that portion of the WQv that is feasible based on the site characteristics.
10. Carbonate sites infiltration criteria.
- A. In entirely carbonate areas, in addition to the testing required in subsection (8), the preliminary site investigation shall include an assessment of the remainder of the site for possible infiltration based on required isolation distances from special geologic features and the likely soil depth and permeability based on published data or other site data available. Where infiltration BMPs are proposed, the applicant shall conduct the additional site investigation and testing as outlined in Appendix G. The soil depth, percolation rate and proposed loading rate, each weighted as described in §227, along with the buffer from special geologic features shall be compared to the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D to determine if the site is recommended for infiltration. If, at any point in the preliminary site investigation, the data (e.g., location of karst features on the site or the published soils data for the site) indicates that the entire site will not be recommended for infiltration based on the ordinance standards, then no further investigation is required. In addition to the recommendation from Appendix D, the following conditions are required for infiltration in carbonate areas:
    - (1) Depth to bedrock below the invert of the BMP greater than or equal to two feet.
    - (2) Depth to seasonal high water table below the invert of the BMP greater than or equal to three feet. (If the depth to bedrock is between two and three feet and the evidence of the seasonal high water table is not found in the soil, no further testing to locate the depth to seasonal high water table is required.)
    - (3) Soil permeability greater than or equal to 0.5 inches/hour and less than or equal to 12 inches per hour.
    - (4) Setback distances or buffers as follows:
      - (a) 100 feet from water supply wells.
      - (b) 10 feet downgradient or 100 feet upgradient from building foundations.
      - (c) 50 feet from septic system drainfields.

- (d) 100 feet from the property line unless documentation is provided to show that all setbacks from wells, foundations and drainfields on neighboring properties will be met.
- B. Applicants are not required to use infiltration BMPs on a carbonate site even if the site falls in the recommended range on the chart in Appendix D. If infiltration is not proposed, the WQv shall be treated by two acceptable BMPs, as specified in subsection (15).
- 11. If a site has both carbonate and noncarbonate areas, the applicant shall investigate the ability of the noncarbonate portion of the site to fully meet this Part to control runoff for the whole site through infiltration. If that proves infeasible, the applicant shall perform the preliminary site investigation for the carbonate area to determine the appropriate design strategy. No infiltration structure in the non-carbonate area shall be located within 50 feet of a boundary with carbonate bed-rock, except when a preliminary site investigation has been done showing the absence of special geologic features within 50 feet of the proposed infiltration area.
- 12. If infiltration BMPs are proposed in carbonate areas, the postdevelopment two-year runoff volume leaving the site shall be 80% or more of the predevelopment runoff volume for the carbonate portion of the site to prevent infiltration of volumes far in excess of the predevelopment infiltration volume.
- 13. Site areas proposed for infiltration shall be protected from disturbance and compaction, except as necessary for construction of infiltration BMPs.
- 14. If infiltration of the entire WQv is not proposed, the remainder of the WQv shall be treated by two acceptable BMPs in series for each discharge location. Sheet flow draining across a pervious area can be considered as one BMP. Sheet flow across impervious areas and concentrated flow shall flow through two BMPs. If sheet flow from an impervious area is to be drained across a pervious area as one BMP, the length of the pervious area must be equal to or greater than the length of impervious area. In no case may the same BMP be employed consecutively to meet this requirement. Acceptable BMPs are listed below along with the recommended reference for design.

| <b>Best Management Practice</b> | <b>Design Reference</b>   |
|---------------------------------|---|
| Bioretention                    | Low Impact Development Design Strategies, Prince George's County, Maryland June 1999 <sup>2</sup>   |
| Capture/reuse <sup>1</sup>      | Texas Guide to Rainwater Harvesting, 2nd Edition. Texas Water Development Board, Center for Maximum Potential Building Systems, 1997 <sup>3</sup> |
| Constructed wetlands            | 2000 Maryland Stormwater Design Manual, Maryland Department of the Environment <sup>4</sup>   |

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| Best Management Practice                           | Design Reference   |
|--|--|
| Minimum disturbance/minimum maintenance practices  | Conservation Design for Stormwater Management. Delaware Department of Natural Resources and Brandywine Conservancy, September 1997 <sup>5</sup>                                    |
| Oil/water separators                               | Georgia Stormwater Management Manual, Volume 2, Technical Handbook, August 2001 <sup>6</sup>   |
| Sediment traps/catch basin sumps                   | US Environmental Protection Agency's Post-Construction Storm Water Management in New Development & Redevelopment BMP Fact Sheet for "Catch Basins/Catch Basin Insert" <sup>7</sup> |
| Significant reduction of existing impervious cover | N/A  |
| Stormwater filters (sand, peat, compost, etc.)     | Design of Stormwater Filtering Systems. Claytor, R. and Schueler, T., Center for Watershed Protection, December 1996 <sup>8</sup>  |
| Trash/debris collectors in catch basins            | Pennsylvania Handbook of BMPs for Developing Areas <sup>9</sup> or latest Pennsylvania Department of Environmental Protection Manual   |
| Vegetated buffers/filter strips                    | Pennsylvania Handbook of BMPs for Developing Areas <sup>9</sup> or latest Pennsylvania Department of Environmental Protection Manual   |
| Vegetated roofs                                    | Roof Gardens: History, Design, and Construction. Osmundson, T., W. W. Norton & Co., 1998 <sup>10</sup>   |
| Vegetated swales/filter strips                     | 2000 Maryland Stormwater Design Manual, Maryland Department of the Environment <sup>4</sup>  |
| Water quality inserts for inlets                   | Pennsylvania Handbook of BMPs for Developing Areas <sup>9</sup> or latest Pennsylvania Department of Environmental Protection Manual   |
| Wet detention ponds                                | Pennsylvania Handbook of BMPs for Developing Areas <sup>9</sup> or latest Pennsylvania Department of Environmental Protection Manual   |

<sup>1</sup> If this BMP is used to treat the entire WQv then only one BMP is required because of this BMPs' superior water quality performance.

<sup>2</sup> Available at [www.co.pg.md.us/Government/AgencyIndex/DER/PPD/LID/LiDNatl.pdf](http://www.co.pg.md.us/Government/AgencyIndex/DER/PPD/LID/LiDNatl.pdf) as of January 2004

<sup>3</sup> Available at [www.twdb.state.tx.us/publications/reports/RainHarv.pdf](http://www.twdb.state.tx.us/publications/reports/RainHarv.pdf) as of January 2004

<sup>4</sup> Available at [www.mde.state.md.us](http://www.mde.state.md.us) as of January 2004

- <sup>5</sup> Available at [www.dnrec.state.de.us/dnrec2000/Divisions/Soil/Stormwater/Apps/DesignManualRequest.htm](http://www.dnrec.state.de.us/dnrec2000/Divisions/Soil/Stormwater/Apps/DesignManualRequest.htm) as of January 2004
- <sup>6</sup> Available at [www.georgiastormwater.com](http://www.georgiastormwater.com) as of January 2004
- <sup>7</sup> Available at [http://cfpub.epa.gov/npdes/stormwater/menuofbmps/post\\_7.cfm](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/post_7.cfm) as of January 2004
- <sup>8</sup> Available from the Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)) as of January 2004
- <sup>9</sup> Available at [www.dep.state.pa.us](http://www.dep.state.pa.us) (keyword Stormwater) as of January 2004
- <sup>10</sup> Available at [www.wwnorton.com](http://www.wwnorton.com) as of January 2004

15. Stormwater runoff from hot spot land uses shall be pretreated. In no case, may the same BMP be employed consecutively to meet this requirement and the requirement in subsection (14). Acceptable methods of pretreatment are listed below.

| <b>Hot Spot Land Use</b>  | <b>Pretreatment Method(s)</b>  |
|---|--|
| Vehicle maintenance and repair facilities including auto parts stores | <ul style="list-style-type: none"><li>-Oil/water separators</li><li>-Use of drip pans and/or dry sweep material under vehicles/equipment</li><li>-Use of absorbent devices to reduce liquid releases</li><li>-Spill prevention and response program</li></ul>  |
| Vehicle fueling stations  | <ul style="list-style-type: none"><li>-Oil/water separators</li><li>-Water quality inserts for inlets</li><li>-Spill prevention and response program</li></ul>   |
| Storage areas for public works  | <ul style="list-style-type: none"><li>-Oil/water separators</li><li>-Sediment traps/catch basin sumps</li><li>-Water quality inserts for inlets</li><li>-Use of drip pans and/or dry sweep material under vehicles/equipment</li><li>-Use of absorbent devices to reduce liquid releases</li><li>-Spill prevention and response program</li><li>-Diversion of stormwater away from potential contamination areas</li></ul> |
| Outdoor storage of liquids  | <ul style="list-style-type: none"><li>-Spill prevention and response program</li></ul>   |

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| <b>Hot Spot Land Use</b>                                 | <b>Pretreatment Method(s)</b>  |
|--|--|
| Commercial nursery operations                            | -Vegetated swales/filter strips<br><br>-Constructed wetlands<br><br>-Stormwater collection and reuse |
| Salvage yards and recycling facilities**                 | -BMPs that are a part of a stormwater pollution prevention plan under an NPDES Permit                |
| Fleet storage yards and vehicle cleaning facilities**    | -BMPs that are a part of a stormwater pollution prevention plan under an NPDES Permit                |
| Facilities that store or generate regulated substances** | -BMPs that are a part of a stormwater pollution prevention plan under an NPDES Permit                |
| Marinas**  | -BMPs that are a part of a stormwater pollution prevention plan under an NPDES Permit                |
| Certain industrial uses (listed under NPDES)**           | -BMPs that are a part of a stormwater pollution prevention plan under an NPDES Permit                |

\*\*Regulated under the NPDES Stormwater Program.

Design references for the pre-treatment methods, as necessary, are listed below. The applicant may demonstrate that due to the site characteristics the land use is not a Hot Spot land use.

| <b>Pre-treatment Method</b>                                     | <b>Design Reference</b>  |
|---|--|
| Constructed wetlands  | 2000 Maryland Stormwater Design Manual, Maryland Department of the Environment <sup>1</sup>  |
| Diversion of stormwater away from Potential Contamination Areas | Pennsylvania Handbook of BMPs for Developing Areas or latest Pennsylvania Department of Environmental Protection Manual  |
| Oil/water separators  | Georgia Stormwater Management Manual Volume 2 Technical Handbook, August 2001 <sup>3</sup>   |
| Sediment traps/catch basin sumps                                | US Environmental Protection Agency's Post-Construction Storm Water Management in New Development & Redevelopment BMP Fact Sheet for "Catch Basins/Catch Basin Insert" <sup>4</sup> |
| Stormwater collection and reuse (especially for irrigation)     | Texas Guide to Rainwater Harvesting, 2nd Edition, Texas Water Development Board, Center for Maximum Potential Building Systems, 1997 <sup>5</sup>                                  |
| Stormwater filters (sand, peat, compost, etc.)                  | Design of Stormwater Filtering Systems. Claytor, R. and Schueler, T., Center for Watershed Protection, December 1996 <sup>6</sup>  |



| <b>Pre-treatment Method</b>             | <b>Design Reference</b>  |
|---|--|
| Trash/debris collectors in catch basins | Pennsylvania Handbook of BMPs for Developing Areas <sup>2</sup> or latest Pennsylvania Department of Environmental Protection Manual |
| Vegetated swales/filter strips          | 2000 Maryland Stormwater Design Manual, Maryland Department of the Environment <sup>1</sup>  |
| Water quality inserts for inlets        | Pennsylvania Handbook of BMPs for Developing Areas <sup>2</sup> or latest Pennsylvania Department of Environmental Protection Manual |

<sup>1</sup> Available at [www.mde.state.md.us](http://www.mde.state.md.us) as of January 2004

<sup>2</sup> Available at [www.dep.state.pa.us](http://www.dep.state.pa.us) (keyword Stormwater) as of January 2004

<sup>3</sup> Available at [www.georgiastormwater.com](http://www.georgiastormwater.com) as of January 2004

<sup>4</sup> Available at [http://cfpub.epa.gov/npdes/stormwater/menuofbmps/post\\_7.cfm](http://cfpub.epa.gov/npdes/stormwater/menuofbmps/post_7.cfm) as of January 2004

<sup>5</sup> Available at [www.twdb.state.tx.us/publications/reports/RainHarv.pdf](http://www.twdb.state.tx.us/publications/reports/RainHarv.pdf) as of January 2004

<sup>6</sup> Available from the Center for Watershed Protection ([www.cwp.org](http://www.cwp.org)) as of January 2004

16. The use of infiltration BMPs is prohibited on hot spot land use areas.
17. Stormwater infiltration BMPs shall not be placed in or on a special geologic feature(s). Additionally, stormwater runoff shall not be discharged into existing on-site sinkholes.
18. Applicants shall request, in writing, public water suppliers to provide the Zone I wellhead protection radius, as calculated by the method outlined in the Pennsylvania Department of Environmental Protection Wellhead Protection regulations, for any public water supply well within 400 feet of the site. In addition to the setback distances specified in subsections (9) and (10), infiltration is prohibited in the Zone I radius as defined and substantiated by the public water supplier in writing. If the applicant does not receive a response from the public water supplier, the Zone I radius is assumed to be 100 feet.
19. The volume and rate of the net increase in stormwater runoff from the regulated activities must be managed to prevent the physical degradation of receiving waters from such effects as scour and streambank destabilization, to satisfy State water quality requirements.
20. The Municipality may, after consultation with DEP, approve alternative methods for meeting the State water quality requirements other than those in this Section, provided that they meet the minimum requirements of and do not conflict with State law including, but not limited to, the Clean Streams Law.

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(Ord. 741, 3/8/2005, Art. 6, §304)

### §225. Stormwater Management Districts.

1. Mapping of Stormwater Management Districts. To implement the provisions of the Little Lehigh Creek Watershed Stormwater Management Plan, the Municipality is hereby divided into stormwater management districts consistent with the Little Lehigh Creek Release Rate Map presented in the Plan. The boundaries of the stormwater management districts are shown on an official map which is available for inspection at the Municipal office. A copy of the official map at a reduced scale is included in Appendix A for general reference.<sup>3</sup>
2. Description of Stormwater Management Districts. Two types of stormwater management districts may be applicable to the Municipality, namely conditional no detention districts and dual release rate districts as described below.
  - A. Conditional No Detention Districts. Within these districts, the capacity of the local runoff conveyance facilities [as defined in subpart (B)] must be calculated to determine if adequate capacity exists. For this determination, the developer must calculate peak flows assuming that the site is developed as proposed and that the remainder of the local watershed is in the existing condition. The developer must also calculate peak flows assuming that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified by this Part. The larger of the two peak flows calculated will be used in determining if adequate capacity exists. If adequate capacity exists to safely transport runoff from the site to the main channel [as defined in subpart (8)], these watershed areas may discharge postdevelopment peak runoff without detention facilities. If the capacity calculations show that the local runoff conveyance facilities lack adequate capacity, the developer shall either use a 100% release rate control or provide increased capacity of downstream elements to convey increased peak flows consistent with §226(16). Any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvement consistent with the capacity criteria specified in §226(4). By definition, a storm drainage problem area associated with the local runoff conveyance facilities indicates that adequate capacity does not exist.
  - B. Dual Release Rate Districts. Within this district, the two-year postdevelopment peak runoff must be controlled to 30% of the predevelopment two-year runoff peak. Further, the ten-year, twenty-five-year and one-hundred-year postdevelopment peak runoff must be controlled to the stated percentage of the predevelopment peak. Release Rates associated with the ten- through one-hundred-year events vary from 50% to 100% depending upon location in the watershed.

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<sup>3</sup> Editor's Note: Said document is available at the Borough offices.

(Ord. 741, 3/8/2005, Art. 6, §305)

**§226. Stormwater Management District Implementation Provisions.**

1. Applicants shall provide a comparative pre- and postconstruction stormwater management hydrograph analysis for each direction of discharge and for the site overall to demonstrate compliance with the provisions of this Part.
2. Any stormwater management controls required by this Part and subject to a dual release rate criteria shall meet the applicable release rate criteria for each of the two-, ten-, twenty-five- and one-hundred-year return period runoff events consistent with the calculation methodology specified in §227.
3. 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 provided as part of the drainage plan. The District boundaries as originally drawn coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (e.g., road, culvert, bridge, etc.). The physical feature is the downstream limit of the subarea and the subarea boundary is drawn from that point upslope to each topographic divide along the path perpendicular to the contour lines.
4. Any downstream capacity analysis conducted in accordance with this Part shall use the following criteria for determining adequacy for accepting increased peak flow rates:
  - A. Natural or man-made channels or swales must be able to convey the increased runoff associated with a two-year return period event within their banks at velocities consistent with protection of the channels from erosion.
  - B. Natural or man-made channels or swales must be able to convey the increased twenty-five-year return period runoff without creating any hazard to persons or property.
  - C. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with Department of Environmental Protection Chapter 105 regulations (if applicable) and, at minimum, pass the increased twenty-five-year return period runoff.
5. For a proposed development site located within one release rate category subarea, the total runoff from the site shall meet the applicable release rate criteria. For development sites with multiple directions of runoff discharge, individual drain-

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age directions may be designed for up to a 100% release rate so long as the total runoff from the site is controlled to the applicable release rate.

6. For a proposed development site located within two or more release category subareas, the peak discharge rate from any subarea shall be the predevelopment peak discharge for that subarea multiplied by the applicable release rate. 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 site. In this case, peak discharge in any direction may be a 100% release rate provided that the overall site discharge meets the weighted average release rate.
7. For a proposed development site located partially within a release rate category subarea and partially within a conditional no-detention subarea, a significant portion of the site area subject to the release rate control may not be drained to the discharge point(s) located in the no-detention subarea except as part of a no harm or hardship waiver procedure.
8. No portion of a site may be regraded between the Little Lehigh Creek Watershed and any adjacent watershed except as part of a no harm or hardship waiver procedure.
9. Within a release rate category area, for a proposed development site which has areas which drain to a closed depression(s), the design release from the site will be the lesser of (A) the applicable release rate flow assuming no closed depression(s) or (B) the existing peak flow actually leaving the site. In cases where (B) would result in an unreasonably small design release, the design discharge of less than or equal to the release rate will be determined by the available downstream conveyance capacity to the main channel calculated using subsection (4) and the minimum orifice criteria.
10. Off-site areas which 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 using the capacity criteria in subsection (4) and the detention criteria in §227.
11. For development sites proposed to take place in phases, all detention ponds shall be designed to meet the applicable release rate(s) applied to all site tributary areas to the proposed pond discharge direction. All site tributary areas will be assumed as developed, regardless of whether all site tributary areas are proposed for development at that time. An exception shall be sites with multiple detention ponds in series where only the downstream pond must be designed to the stated release rate.
12. Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area shall be subject

to the release rate criteria. The impact area includes any proposed cover or grading changes.

13. Development proposals which, through groundwater recharge or other means, do not increase either the rate or volume of runoff discharged from the site compared to predevelopment are not subject to the release rate provisions of this Part.
14. No Harm Water Quantity Option.
  - A. For any proposed development site not located in a conditional no-detention district, the developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove that special circumstances exist for the proposed development site and that no harm would be caused by discharging at a higher runoff rate than that specified by the Plan. Special circumstances are defined as any hydrologic or hydraulic aspects of the development itself not specifically considered in the development of the Plan runoff control strategy. Proof of no harm would have to be shown from the development site through the remainder of the downstream drainage network to the confluence of the creek with the Lehigh River. Proof of no harm must be shown using the capacity criteria specified in subsection (4) if downstream capacity analysis is a part of the no harm justification.
  - B. Attempts to prove no harm based upon downstream peak flow versus capacity analysis shall be governed by the following provisions:
    - (1) The peak flow values to be used for downstream areas for the design return period storms (two-, 10-, 25- and 100-year) shall be the values from the calibrated WATERSHED model for the Little Lehigh Creek or as calculated by an applicant using an alternate method acceptable to the Municipality. The flow values from the WATERSHED model would be supplied to the developer by the Municipality upon request.
    - (2) Any available capacity in the downstream conveyance system as documented by a developer may be used by the developer only in proportion to his development site acreage relative to the total upstream undeveloped acreage from the identified capacity (i.e., if his or her site is 10% of the upstream undeveloped acreage, he or she may use up to 10% of the documented downstream available capacity).
    - (3) Developer-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas would, by definition, be precluded from successful attempts to prove no harm, except in conjunction with proposed capacity improvements for the problem areas consistent with subsection (16).
  - C. Any no harm justifications shall be submitted by the developer as part of the drainage plan submission per subpart D.

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15. Regional Detention Alternatives. For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined based on the required release rate at the point of discharge.
16. Capacity Improvements.
  - A. In certain instances, primarily within the conditional no-detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Peak flow calculations shall be done assuming that the local watershed is in the existing condition and then assuming that the local watershed is developed per current zoning and using the specified runoff controls. Any capacity improvements would be designed using the larger of the above peak flows and the capacity criteria specified in subsection (4). All new development in the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.
  - B. Capacity improvements may also be provided as necessary to implement any regional detention alternatives or to implement a modified no harm option which proposes specific capacity improvements to provide that a less stringent discharge control would not create any harm downstream.

(Ord. 741, 3/8/2005, Art. 3, §306)

### §227. Calculation Methodology.

1. Stormwater runoff from all development sites shall be calculated using either the rational method or the soil-cover-complex methodology.
2. Infiltration BMP loading rate percentages in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D shall be calculated as follows:

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

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

All disturbed areas to be made impervious: weight at 100%

All disturbed areas to be made pervious: weight at 50%

All undisturbed pervious areas: weight at 0%

All existing impervious areas: weight at 100%

3. Measurement of Soil Thickness.

A. Soil thickness is to be measured from the bottom of any proposed infiltration system. The effective soil thickness in the Recommendation Chart for Infiltration Stormwater Management BMPs in Carbonate Bedrock in Appendix D 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/hour | 0.8              |
| 2.0 to 6.0 inches/hour  | 1.0              |
| 1.0 to 2.0 inches/hour  | 1.4              |
| 0.75 to 1.0 inches/hour | 1.2              |
| 0.5 to 0.75 inches/hour | 1.0              |

\*\* If the permeability rate falls on a break between two thickness factors, the smaller thickness factor shall be used.

B. Sites with soil permeability greater than 12.0 in./hr. or less than 0.5 in./hr. are not recommended for infiltration.

4. The design of any detention basin intended to meet the requirements of this Part shall be verified by routing the design storm hydrograph through the proposed basin using the storage indication method or other methodology demonstrated to be more appropriate. For basins designed using the rational method technique, the design hydrograph for routing shall be either the Universal Rational Hydrograph or the modified rational method trapezoidal hydrograph which maximizes detention volume. Use of the modified rational hydrograph shall be consistent with the procedure described in Section "PIPE.RAT" of the Users' Manual for the Penn State Urban Hydrograph Method (1987).

5. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall be routed using the storage indication method.

6. BMPs designed to store or infiltrate runoff and discharge to surface runoff or pipe flow shall provide storage volume for the full WQv below the lowest outlet invert.

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7. Wet detention ponds designed to have a permanent pool for the WQv shall assume that the permanent pool volume below the primary outlet is full at the beginning of design event routing for the purposes of evaluating peak outflows.
8. All stormwater detention facilities shall provide a minimum 1.0-foot freeboard above the maximum pool elevation associated with the two- through twenty-five-year runoff events. A 0.5-foot freeboard shall be provided above the maximum pool elevation of the one-hundred-year runoff event. The freeboard shall be measured from the maximum pool elevation to the invert of the emergency spillway. The two- through one-hundred-year storm events shall be controlled by the primary outlet structure. An emergency spillway for each basin shall be designed to pass the one-hundred-year return frequency storm peak basin inflow rate with a minimum 0.5-foot freeboard measured to the top of the basin. The freeboard criteria shall be met considering any offsite areas tributary to the basin as developed, as applicable. If this detention facility is considered to be a dam as per DEP Chapter 105, the design of the facility must be consistent with the Chapter 105 regulations, and may be required to pass a storm greater than the one-hundred-year event.
9. The minimum circular orifice diameter for controlling discharge rates from detention facilities shall be three inches. Designs where a lesser size orifice would be required to fully meet release rates shall be acceptable provided that as much of the site runoff as practical is directed to the detention facilities.
10. Runoff calculations using the soil-cover-complex method shall use the Natural Resources Conservation Service Type II twenty-four-hour rainfall distribution. The twenty-four-hour rainfall depths for the various return periods to be used consistent with this Part may be taken from NOAA Atlas 14, Volume 2 or the PennDOT Intensity-Duration-Frequency Field Manual (PDT-1DF) (May 1986) for Region 4.

A. The following values are taken from the PDT-IDF Field Manual:

| <b>Return Period</b> | <b>24-Hour Rainfall Depth</b> |
|----------------------|-------------------------------|
| 1-year               | 2.40 inches                   |
| 2-year               | 3.00 inches                   |
| 5-year               | 3.60 inches                   |
| 10-year              | 4.56 inches                   |
| 25-year              | 5.52 inches                   |
| 50-year              | 6.48 inches                   |
| 100-year             | 7.44 inches                   |

B. A graphical and tabular presentation of the Type II twenty-four-hour distribution is included in Appendix C.



11. Runoff calculations using the rational method shall use rainfall intensities consistent with appropriate times of concentration and return periods and the Intensity-Duration-Frequency Curves as presented in Appendix C.
12. Runoff curve numbers (CNs) to be used in the soil-cover-complex method shall be based upon the matrix presented in Appendix C.
13. Runoff coefficients for use in the rational method shall be based upon the table presented in Appendix C.
14. All time-of-concentration calculations shall use a segmental approach which may include one or all of the flow types below:
  - A. Sheet flow (overland flow) calculations shall use either the NRCS average velocity chart (Figure 3-1, Technical Release-55, 1975) or the modified kinematic wave travel time equation (equation 3-3, NRCS TR-55, June 1986). If using the modified kinematic wave travel time equation, the sheet flow length shall be limited to 50 feet for designs using the rational method and limited to 150 feet for designs using the soil-cover-complex method.
  - B. Shallow concentrated flow travel times shall be determined from the watercourse slope, type of surface and the velocity from Figure 3-1 of TR-55, June 1986.
  - C. Open channel flow travel times shall be determined from velocities calculated by the Manning Equation. Bankfull flows shall be used for determining velocities. Manning 'n' values shall be based on the table presented in Appendix C.
  - D. Pipe flow travel times shall be determined from velocities calculated using the Manning Equation assuming full flow and the Manning 'n' values from Appendix C.
15. If using the rational method, all predevelopment calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas. If using the rational method, all postdevelopment calculations for a given discharge direction shall be based on a common time of concentration considering both on-site and any off-site drainage areas.
16. The Manning Equation shall be used to calculate the capacity of watercourses. Manning 'n' values used in the calculations shall be consistent with the table presented in Appendix C or other appropriate standard engineering 'n' value resources. Pipe capacities shall be determined by methods acceptable to the Municipality.
17. The Pennsylvania DEP, Chapter 105, Rules and Regulations, apply to the construction, modification, operation or maintenance of both existing and proposed

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dams, water obstructions and encroachments throughout the watershed. Criteria for design and construction of stormwater management facilities according to this Part may not be the same criteria that are used in the permitting of dams under the Dam Safety Program.

(Ord. 741, 3/8/2005, Art. 3, §307)

### **D. Drainage Plan Requirements.**

#### **§231. General Requirements.**

For any of the regulated activities of this Part, prior to the final approval of subdivision and/or land development plans, or the issuance of any permit, or the commencement of any regulated earth disturbance activity, the owner, subdivider, developer or his agent shall submit a drainage plan and receive Municipal approval of the plan.

(Ord. 741, 3/8/2005, Art. 4, §401)

#### **§232. Exemptions.**

Exemptions from the drainage plan requirements are as specified in §206.

(Ord. 741, 3/8/2005, Art. 4, §402)

#### **§233. Drainage Plan Contents.**

The following items shall be included in the drainage plan:

##### **A. General.**

- (1) General description of project.
- (2) General description of proposed permanent stormwater controls.
- (3) The name and address of the project site, the name and address of the owner of the property and the name of the individual or firm preparing the drainage plan.

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

- (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%), five-foot contour intervals may be used. Off-site drainage areas impacting the project including topographic detail.
- (3) Streams, lakes, ponds or other bodies of water within the project area.
- (4) Other physical features including existing drainage swales, wetlands, closed depressions, sinkholes and areas of natural vegetation to be preserved.
- (5) Locations of proposed underground utilities, sewers and water lines. The locations of all existing and proposed utilities, sanitary sewers and water lines within 50 feet of property lines of the project site.
- (6) An overlay showing soil types and boundaries based on the Lehigh or Berks County Soil Survey, as applicable, latest edition.
- (7) An overlay showing geologic types and boundaries.
- (8) Proposed changes to land surface and vegetative cover.
- (9) Proposed structures, roads, paved areas and buildings.
- (10) Final contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
- (11) Stormwater Management District boundaries applicable to the site.
- (12) Clear identification of the location and nature of permanent stormwater BMPs.
- (13) An adequate access easement around all stormwater BMPs that would provide Municipal ingress to and egress from a public right-of-way.
- (14) A schematic showing all tributaries contributing flow to the site and all existing man-made features beyond the property boundary that would be affected by the project.
- (15) The location of all public water supply wells within 400 feet of the project and all private water supply wells within 100 feet of the project.

C. Stormwater Management Controls and BMPs.

- (1) All stormwater management controls and BMPs shall be shown on a map and described, including:

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- (a) Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells shall be shown.
  - (b) Other control devices or methods such as rooftop storage, semipervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
- (2) All calculations, assumptions and criteria used in the design of the BMPs shall be shown.
  - (3) All site testing data used to determine the feasibility of infiltration on a site.
  - (4) A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that cannot be altered or removed without approval by the Municipality.
- D. A description of how each permanent stormwater BMP will be operated and maintained and the identity of the person(s) responsible for operations and maintenance.

(Ord. 741, 3/8/2005, Art. 4, §403)

### §234. Plan Submission.

- 1. For regulated activities specified in §205(2)(A) and (B).
  - A. The drainage plan shall be submitted by the developer to the Municipal secretary (or other appropriate person) as part of the preliminary plan submission for the subdivision or land development.
  - B. Four copies of the drainage plan shall be submitted.
  - C. Distribution of the drainage plan will be as follows:
    - (1) One copy to the Municipal governing body.
    - (2) One copy to the municipal engineer.
    - (3) Two copies to the Lehigh Valley Planning Commission, except for drainage plans involving less than 10,000 square feet of additional impervious cover.
  - D. Drainage plans involving more than 10,000 square feet of additional impervious cover shall be submitted by the developer (possibly through the Mu-

municipality) to the Lehigh Valley Planning Commission as part of the preliminary plan submission. The Lehigh Valley Planning Commission will conduct an advisory review of the drainage plan for consistency with the Little Lehigh Creek Watershed Stormwater Management Plan. The LVPC will not review details of the Erosion and Sedimentation Plan or the BMP Operations and Maintenance Plan.

- (1) Two copies of the drainage plan shall be submitted.
  - (2) The LVPC will provide written comments to the developer and the Municipality, within a time frame consistent with established procedures under the Municipalities Planning Code, as to whether the drainage plan has been found to be consistent with the Stormwater Management Plan.
2. For regulated activities specified in §205(2)(C) and (D), the drainage plan shall be submitted by the developer to the Municipal building permit officer as part of the building permit application.
  3. For regulated activities specified in §205(2)(E), (F) and (G):
    - A. The drainage plan shall be submitted by the developer to the Lehigh Valley Planning Commission for coordination with the DEP permit application process under Chapter 105 (Dam Safety and Waterway Management), Chapter 106 (Flood Plain Management) of DEP's Rules and Regulations and the NPDES regulations.
    - B. One copy of the drainage plan shall be submitted.
  4. Earthmoving for all regulated activities under §205 shall be conducted in accordance with the current federal and State regulations relative to the NPDES and DEP Chapter 102 regulations.

(Ord. 741, 3/8/2005, Art. 4, §404)

### **§235. Drainage Plan Review.**

1. The Municipality shall review the drainage plan, including the BMP Operations and Maintenance Plan, for consistency with the adopted Little Lehigh Creek Watershed Stormwater Management Plan as embodied by this Part and with any permits issued by DEP. The Municipality shall also review the drainage plan against any additional storm drainage provisions contained in the Municipal subdivision and land development or zoning ordinance, as applicable.
2. The Municipality shall notify the applicant in writing whether the BMP operations and maintenance plan is approved.

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3. The Municipality shall not approve any subdivision or land development [regulated activities §205(2)(A) and (B)] or building permit application [regulated activities §205(2)(C) and (D)] if the drainage plan has been found to be inconsistent with the Stormwater Management Plan.
4. The Municipality may require an as-built survey of all stormwater BMPs and an explanation of any discrepancies with the drainage plan.

(Ord. 741, 3/8/2005, Art. 4, §405)

### **§236. Modification of Plans.**

A modification to a submitted drainage plan for a proposed development site which involves a change in control methods or techniques, or which involves the relocation or redesign of control measures, or which is necessary because soil or other conditions are not as stated on the drainage plan (as determined by the Municipality) shall require a resubmission of the modified drainage plan consistent with §234 subject to review per §235 of this Part.

(Ord. 741, 3/8/2005, Art. 4, §406)

### **§237. Hardship Waiver Procedure.**

1. The Municipality may hear requests for waivers where it is alleged that the provisions of this Part inflict unnecessary hardship upon the applicant. The waiver request shall be in writing and accompanied by the requisite fee based upon a fee schedule adopted by the Municipality. A copy of the waiver request shall be provided to each of the following: Municipality, Municipal engineer, Municipal solicitor and Lehigh Valley Planning Commission. The request shall fully document the nature of the alleged hardship.
  - A. The Municipality may grant a waiver provided that all of the following findings are made in a given case:
    - (1) That there are unique physical circumstances or conditions, including irregularity of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Part in the Stormwater Management District in which the property is located;
    - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Part, including the no harm provisions, and that

the authorization of a waiver is therefore necessary to enable the reasonable use of the property;

- (3) That such unnecessary hardship has not been created by the applicant;
- (4) That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the regulation in issue; and
- (5) That financial hardship is not the criteria for granting of a hardship waiver.

B. In granting any waiver, the Municipality may attach such conditions and safeguards as it may deem necessary to implement the purposes of this Part. If a hardship waiver is granted, the applicant must still manage the quantity, velocity, direction and quality of resulting storm runoff as is necessary to prevent injury to health, safety or other property.

2. For regulated activities described in §205(2)(A) and (B), the Borough Council shall hear requests for and decide on hardship waiver requests on behalf of the Municipality.
3. For regulated activities in §205(2)(C), (D), (E) and (F), the Zoning Hearing Board shall hear requests for and decide on hardship waiver requests on behalf of the Municipality.
4. The Municipality shall not waive the water quality provisions of this Part.

(Ord. 741, 3/8/2005, Art. 4, §407)

#### **E. Inspections.**

##### **§241. Schedule of Inspections.\***

1. DEP or its designees (e.g., County Conservation District) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
2. During any stage of the regulated earth disturbance activities, if the Municipality or its designee determines that any BMPs are not being implemented in accordance with this Part, the Municipality may suspend or revoke any existing permits or other approvals issued by the Municipality until the deficiencies are corrected.

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(Ord. 741, 3/8/2005, Art. 5, §501)

### F. Fees and Expenses.

#### §251. General.

The Municipality may charge a reasonable fee for review of BMP operations and maintenance plans to defray review costs incurred by the Municipality. The applicant shall pay all such fees.

(Ord. 741, 3/8/2005, Art. 6, §601)

#### §252. Expenses Covered by Fees.

The fees required by this Part shall, at a minimum, cover:

- A. The review of the BMP operations and maintenance plan by the Municipality.
- B. The site inspection.
- C. The inspection of required controls and improvements during construction.
- D. The final inspection upon completion of the controls and improvements required in the plan.
- E. Any additional work required to monitor and enforce any permit provisions, regulated by this Part, correct violations, and assure the completion of stipulated remedial actions.
- F. Administrative and clerical costs.

(Ord. 741, 3/8/2005, Art. 6, §602)

### G. Stormwater BMP Operations and Maintenance Plan Requirements.

#### §261. General Requirements.\*

No regulated earth disturbance activities within the Municipality shall commence until approval by the Municipality of the BMP operations and maintenance plan which describes how the permanent (e.g., postconstruction) stormwater BMPs will be properly operated and maintained.

(Ord. 741, 3/8/2005, Art. 7, §701)



**§262. Responsibilities for Operations and Maintenance of BMP.\***

1. The BMP operations and maintenance plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:
  - A. If a plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Municipality, stormwater BMPs may also be dedicated to and maintained by the Municipality.
  - B. If a plan includes operations and maintenance by a single ownership or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.
2. The Municipality shall make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

(Ord. 741, 3/8/2005, Art. 7, §702)

**§263. Adherence to Approved BMP Operations and Maintenance Plan.\***

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP operations and maintenance plan or to allow the property to remain in a condition which does not conform to an approved BMP operations and maintenance plan unless an exception is granted in writing by the Municipality.

(Ord. 741, 3/8/2005, Art. 7, §703)

**§264. Operations and Maintenance Agreement for Privately Owned Stormwater BMP.\***

1. The property owner shall sign an operations and maintenance agreement with the Municipality covering all stormwater BMPs that are to be privately owned. The agreement shall include the terms of the format agreement referenced in Appendix E of this Part.
2. Other items may be included in the agreement where determined by the Municipality to be reasonable or necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Municipality.

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(Ord. 741, 3/8/2005, Art. 7, §704)

### **§265. Stormwater Management Easements.\***

Stormwater management easements shall be provided by the property owner if necessary for access for inspections and maintenance or for preservation of stormwater conveyance, infiltration, detention areas and other BMPs by persons other than the property owner. The purpose of the easement shall be specified in any agreement under §264.

### **§266. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.\***

1. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP operations and maintenance plan, shall record the following documents in the Office of the Recorder of Deeds for Lehigh County within 90 days of approval of the BMP operations plan by the Municipality:
  - A. The operations and maintenance plan or a summary thereof.
  - B. Operations and maintenance agreements under §264.
  - C. Easements under §265.
2. The Municipality may suspend or revoke any approvals wanted for the project site upon discovery of the failure of the owner to comply with this Section.

(Ord. 741, 3/8/2005, Art. 7, §706)

### **§267. Municipal Stormwater BMP Operation and Maintenance Fund.\***

1. If stormwater BMPs are accepted by the Municipality for dedication, the Municipality may require persons installing stormwater BMPs to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund to help defray costs of operations and maintenance activities. The amount may be determined as follows:
  - A. If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operation and maintenance in perpetuity, as determined by the Municipality.
  - B. The amount shall then be converted to present worth of the annual series values.

2. If a BMP is proposed that also serves as a recreation facility (e.g., ball field, lake), the Municipality may adjust the amount due accordingly.

(Ord. 741, 3/8/2005, Art. 4, §707)

## **H. Prohibitions.**

### **§271. Prohibited Discharges.\***

1. No person in the Municipality shall allow or cause to allow stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater except as provided in subsection (2) below or as allowed under a State or federal permit.
2. Discharges that may be allowed based on the Municipality finding that the discharge(s) do not significantly contribute pollution to surface waters of the Commonwealth are listed below.
  - A. Discharges from fire-fighting activities.
  - B. Potable water sources including dechlorinated waterline and fire hydrant flushings.
  - C. Irrigation drainage.
  - D. Routine external building washdown which does not use detergents or other compounds.
  - E. Air-conditioning condensate.
  - F. Water from individual residential car washing.
  - G. Springs.
  - H. Water from crawl space pumps.
  - I. Uncontaminated water from foundation or from footing drains.
  - J. Flows from riparian habitats and wetlands.
  - K. Lawn watering.
  - L. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
  - M. Dechlorinated swimming pool discharges.

## WATER

N. Uncontaminated groundwater.

3. In the event that the Municipality determines that any of the discharges identified in subsection (2), significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.
4. Upon notice provided by the Municipality under subsection (3), the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
5. Nothing in this Section shall affect a discharger's responsibilities under state law.

(Ord. 741, 3/8/2005, Art. 8, §801)

### **§272. Prohibited Connections.\***

The following connections are prohibited, except as provided in §271(2) above:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge including sewage, process wastewater and wash water to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks.
- B. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by the Municipality.

(Ord. 741, 3/8/2005, Art. 8, §802)

### **§273. Roof Drains.\***

1. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (2).
2. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.
3. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(Ord. 741, 3/8/2005, Art. 8, §803)

**§274. Alteration of BMPs.\***

1. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP without the written approval of the Municipality unless it is part of an approved maintenance program.
2. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Municipality.

(Ord. 741, 3/8/2005, Art. 8, §804)

**I. Right of Entry, Notification and Enforcement.**

**§281. Right of Entry.\***

1. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition or operation and maintenance of the stormwater BMPs or to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Part.
2. BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this Part.
3. Persons working on behalf of the Municipality shall have the right to temporarily locate on any BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMPs.
4. Unreasonable delays in allowing the Municipality access to a BMP is a violation of this subpart.

(Ord. 741, 3/8/2005, Art. 9, §901)

**§282. Notification.\***

1. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Municipality may order compliance by written notice to the responsible person, Such notice may require without limitation:
  - A. The performance of monitoring, analyses and reporting.
  - B. The elimination of prohibited connections or discharges.

## WATER

- C. Cessation of any violating discharges, practices or operations.
  - D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
  - E. Payment of a fine to cover administrative and remediation costs.
  - F. The implementation of stormwater BMPs.
  - G. Operation and maintenance of stormwater BMPs.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of the violation(s). Said notice may further advise that should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee and the expense thereof, together with all related lien and enforcement fees, charges and expenses, shall be charged to the violator.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Part. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

(Ord. 741, 3/8/2005, Art. 9, §902)

### **§283. Public Nuisance.\***

- 1. The violation of any provision of this Part is hereby deemed a public nuisance.
- 2. Each day that an offense continues shall constitute a separate violation.

(Ord. 741, 3/8/2005, Art. 9, §903)

### **§284. Suspension and Revocation of Permits and Approvals.\***

- 1. Any building, land development or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
  - A. Noncompliance with or failure to implement any provision of the permit.
  - B. A violation of any provision of this Part.
  - C. 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.

2. A suspended permit or approval shall be reinstated by the Municipality when:
  - A. The Municipality or designee has inspected and approved the corrections to the stormwater BMPs or the elimination of the hazard or nuisance.
  - B. The Municipality is satisfied that the violation of the ordinance, law or rule and regulation has been corrected.
  - C. Payment of all Municipal fees, costs and expenses related to or arising from the violation has been made.
3. A permit or approval which has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this Part.

(Ord. 741, 3/8/2005, Art. 9, §904)

**§285. Penalties.\***

1. Any person violating the provisions of this Part shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall be a separate offense.
2. In addition, the Municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Part. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

(Ord. 741, 3/8/2005, Art. 9, §905)

**§286. Appeals.\***

Any person aggrieved by any action of the Municipality or its designee relevant to the provisions of this Part may appeal using the appeal procedures established in the Pennsylvania Municipalities Planning Code.

(Ord. 741, 3/8/2005, Art. 9, §906)

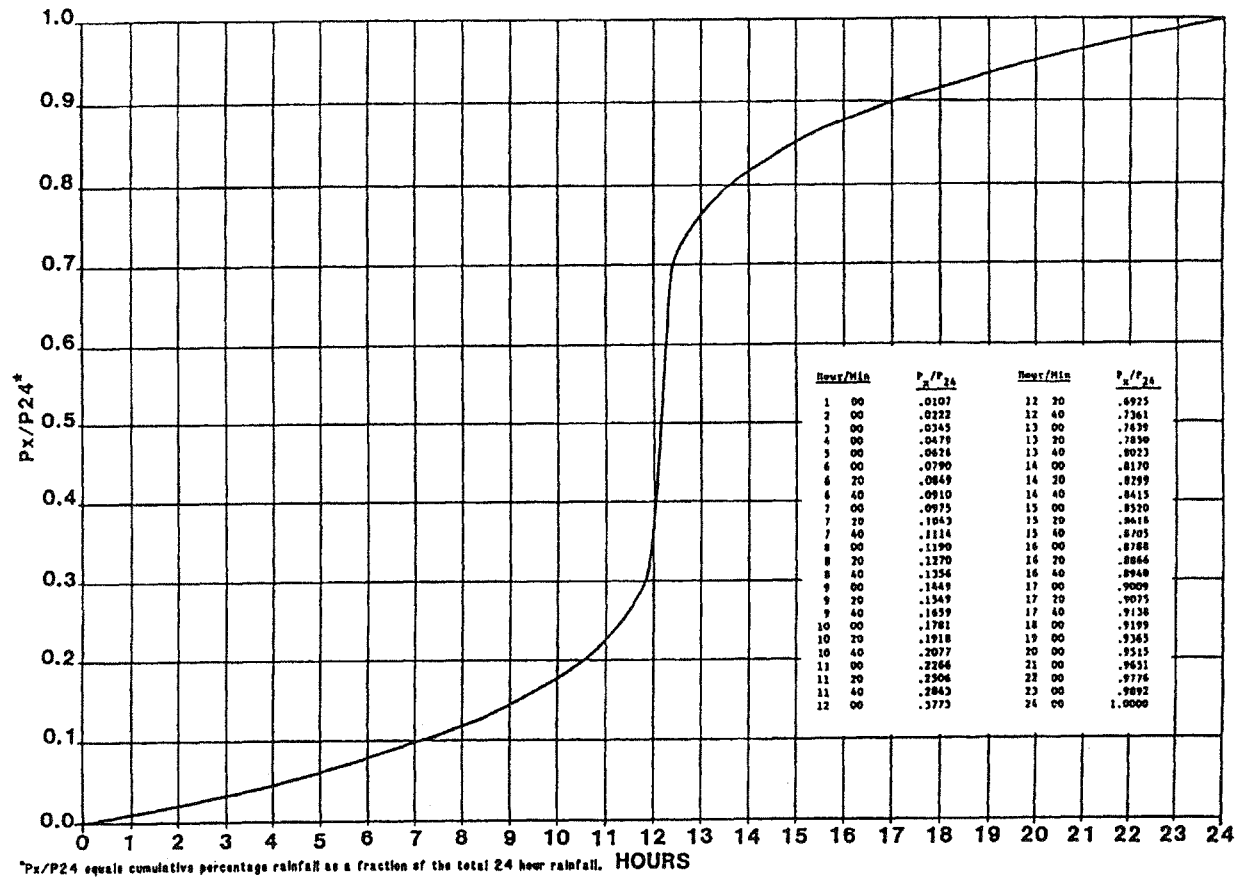




26 Attachment 1

Borough of Coplay

C-1. NRCS TYPE II RAINFALL DISTRIBUTION

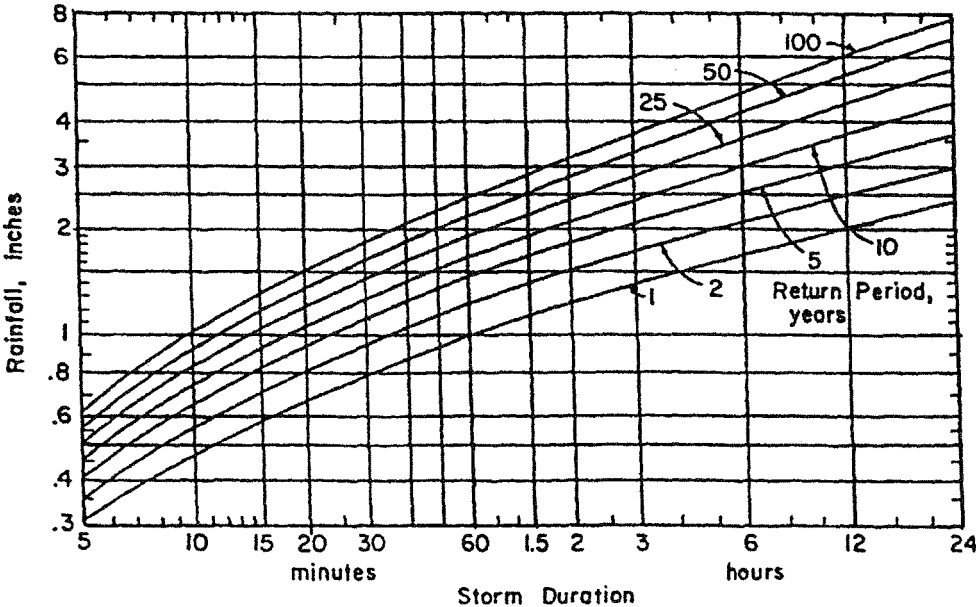
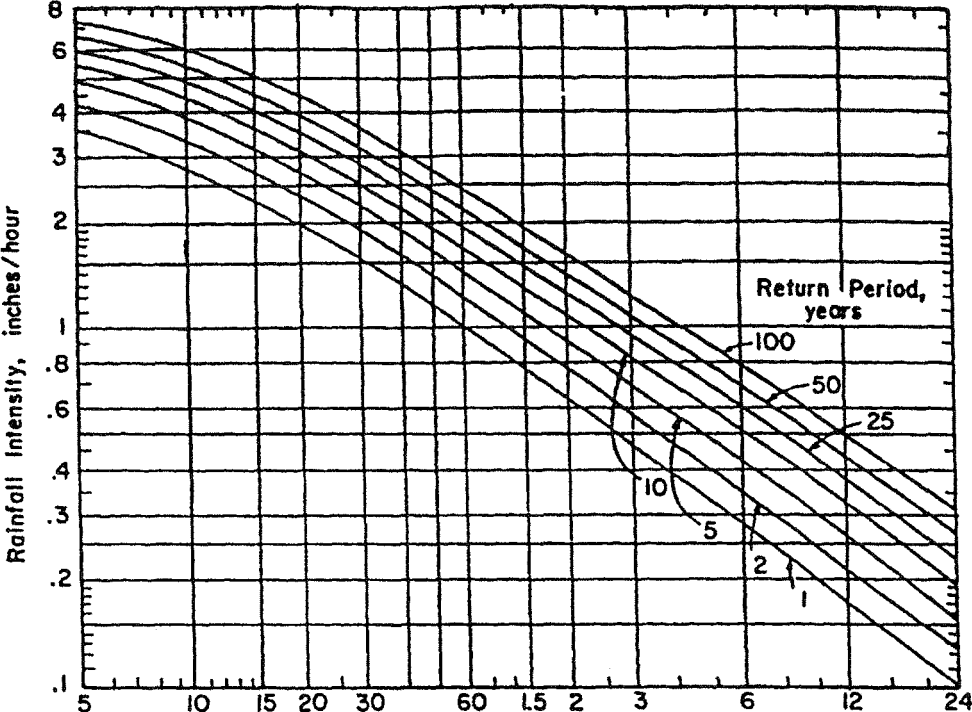




26 Attachment 2

Borough of Coplay

C-2. INTENSITY-DURATION-FREQUENCY CURVES\*



\*Source: Pennsylvania Dept. of Transp. Design Rainfall Curves (1986).



## 26 Attachment 3

## Borough of Coplay

C-3. RUNOFF CURVE NUMBERS AND PERCENT IMPERVIOUSNESS VALUES<sup>1</sup>

| Cover Description  | Average Percent<br>Impervious Area | Curve numbers for<br>hydrologic soil<br>group <sup>2</sup>                         |    |    |    |
|--|------------------------------------|--|----|----|----|
|  |                                    | A  | B  | C  | D  |
| Land Use/Cover Type  |                                    |  |    |    |    |
| Open space (lawns, parks, golf courses, cemeteries,<br>etc.):            |                                    |  |    |    |    |
| Good condition (grass cover greater than 75%)                            |                                    | 39   | 61 | 74 | 80 |
| Impervious areas:  |                                    |  |    |    |    |
| Paved parking lots, roofs, driveways, etc. (ex-<br>cluding right-of-way) |                                    | 98   | 98 | 98 | 98 |
| Streets and roads:   |                                    |  |    |    |    |
| Paved; curbs and storm sewers (excluding<br>right-of-way)                |                                    | 98   | 98 | 98 | 98 |
| Paved; open ditches (including right-of-way)                             |                                    | 83   | 89 | 92 | 93 |
| Gravel (including right-of-way)  |                                    | 76   | 85 | 89 | 91 |
| Urban districts:   |                                    |  |    |    |    |
| Commercial and business  | 85                                 | 89   | 92 | 94 | 95 |
| Industrial   | 72                                 | 81   | 88 | 91 | 93 |
| Residential districts by average lot size:                               |                                    |  |    |    |    |
| 1/8 acre or less (townhouses)  | 65                                 | 77   | 85 | 90 | 92 |
| 1/4 acre   | 38                                 | 61   | 75 | 83 | 87 |
| 1/3 acre   | 30                                 | 57   | 72 | 81 | 86 |
| 1/2 acre   | 25                                 | 54   | 70 | 80 | 85 |
| 1 acre   | 20                                 | 51   | 68 | 79 | 84 |
| 2 acres  | 12                                 | 46   | 65 | 77 | 82 |
| Woods  |                                    | 30   | 55 | 70 | 77 |
| Agriculture  |                                    | Refer to Table 2-2b in<br>source document<br>(TR55) by crop type<br>and treatment. |    |    |    |

<sup>1</sup> Source: Natural Resources Conservation Service Technical Release No. 55, Second Edition, June 1986.

<sup>2</sup> Hydrologic Soil Group based on the County Soil Survey latest edition.



## 26 Attachment 4

## Borough of Coplay

**C-4. RUNOFF COEFFICIENTS FOR THE RATIONAL METHOD<sup>1</sup>****HYDROLOGIC SOIL GROUP AND SLOPE RANGE<sup>2</sup>**

| 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 <sup>A</sup>                                   | <sup>a</sup> 0.18   | 0.23 | 0.28 | 0.24 | 0.29 | 0.33 | 0.30 | 0.34 | 0.38 | 0.33 | 0.37 | 0.41 |
|   | <sup>b</sup> 0.23   | 0.29 | 0.34 | 0.30 | 0.36 | 0.40 | 0.36 | 0.41 | 0.45 | 0.39 | 0.44 | 0.48 |
| Pasture <sup>B</sup>                                      | 0.09  | 0.13 | 0.17 | 0.19 | 0.24 | 0.29 | 0.27 | 0.31 | 0.36 | 0.31 | 0.35 | 0.39 |
|   | 0.12  | 0.17 | 0.23 | 0.24 | 0.30 | 0.36 | 0.33 | 0.38 | 0.43 | 0.37 | 0.42 | 0.46 |
| Meadow, Lawn <sup>C</sup>                                 | 0.05  | 0.08 | 0.12 | 0.15 | 0.20 | 0.24 | 0.23 | 0.28 | 0.32 | 0.28 | 0.32 | 0.36 |
|   | 0.07  | 0.12 | 0.17 | 0.19 | 0.25 | 0.30 | 0.28 | 0.34 | 0.39 | 0.33 | 0.39 | 0.43 |
| Forest, Woods   | 0.03  | 0.05 | 0.08 | 0.11 | 0.16 | 0.20 | 0.20 | 0.25 | 0.29 | 0.25 | 0.30 | 0.34 |
|   | 0.04  | 0.08 | 0.12 | 0.15 | 0.21 | 0.26 | 0.25 | 0.31 | 0.36 | 0.31 | 0.37 | 0.41 |
| Gravel  | 0.24  | 0.29 | 0.33 | 0.32 | 0.36 | 0.40 | 0.35 | 0.39 | 0.43 | 0.37 | 0.41 | 0.44 |
|   | 0.30  | 0.36 | 0.40 | 0.38 | 0.43 | 0.47 | 0.42 | 0.46 | 0.50 | 0.44 | 0.48 | 0.51 |
| Parking, Other Impervious                                 | 0.85  | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 | 0.85 | 0.86 | 0.87 |
|   | 0.95  | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 | 0.95 | 0.96 | 0.97 |
| Residential, Commercial, Industrial and other "Developed" | Runoff coefficients should be calculated based upon weighted average of impervious area coefficients and pervious area coefficients from above based upon soil type, slope and the particular development proposal. |      |      |      |      |      |      |      |      |      |      |      |

<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.

A Represents average of cultivated land with and without conservation treatment from TR-55, January 1975. These values are consistent with several categories of cultivated lands from TR-55, June 1986.

B Represents grasslands in fair condition with 50% to 75% grass cover.

C Represents grasslands in good condition with greater than 75% grass cover.

<sup>1</sup> Based on Rossmiller Equation for translating NRCS curve numbers into Rational Method 'c' values.

<sup>2</sup> Hydrologic Soil Group based on the county soil survey latest edition.





## 26 Attachment 5

## Borough of Coplay

## C-5. MANNING 'n' VALUES BY TYPICAL REACH DESCRIPTION

| Reach Description   | Manning 'n'  |
|---|--------------|
| Natural stream, clean, straight, no rifts or pools            | 0.030        |
| Natural stream, clean, winding, some pools and shoals         | 0.040        |
| Natural stream, winding, pools, shoals, stony with some weeds | 0.050        |
| Natural stream, sluggish with deep pools and weeds            | 0.070        |
| Natural stream or swale, very weedy or with timber underbrush | 0.100        |
| Concrete pipe, culvert or channel                             | 0.012        |
| Corrugated metal pipe   | 0.012-0.027* |

\*Depending upon type and diameter.

## ROUGHNESS COEFFICIENTS (MANNING 'n') FOR SHEET FLOW

| Surface Description                                       | Manning 'n' <sup>1</sup> |
|---|--------------------------|
| Smooth surfaces (concrete, asphalt, gravel, or bare soil) | 0.011                    |
| Fallow (no residue)                                       | 0.050                    |
| Cultivated soils:   |                          |
| Residue cover <= 20%                                      | 0.060                    |
| Residue cover > 20%                                       | 0.170                    |
| Grass:  |                          |
| Short grass prairie                                       | 0.150                    |
| Dense grasses <sup>2</sup>                                | 0.240                    |
| Bermuda grass   | 0.410                    |
| Range (natural)   | 0.130                    |
| Woods: <sup>3</sup>                                       |                          |
| Light underbrush  | 0.400                    |
| Dense underbrush  | 0.800                    |

<sup>1</sup> The n values are a composite of information compiled by Engman (1986).

<sup>2</sup> Includes species such as weeping lovegrass, bluegrass, buffalo grass, blue grama grass and native grass mixtures.

<sup>3</sup> When selecting n, consider cover to a height of about 0.1 foot. This is the only part of the plant cover that will obstruct sheet flow.



|                   |   |                     |             |         |            |               |            |            |             |            |            |
|-------------------|---|---------------------|-------------|---------|------------|---------------|------------|------------|-------------|------------|------------|
| Site Risk Factors | Geology Type                              |                     |             |         |            |               |            |            |             |            |            |
|                   | Effective Soil Thickness                  | Less Than 2 Feet    | Over 8 Feet |         |            |               |            |            |             |            |            |
|                   | Special Geologic Features*                | Low/Med/High Buffer | Low Buffer  |         |            | Medium Buffer |            |            | High Buffer |            |            |
|                   | Site Investigation Recommended            | (Unacceptable)      | Preliminary |         |            | Preliminary   |            |            | Preliminary |            |            |
| Design Factors    | Infiltration Loading Rates (% increase)** | (Unacceptable)      | 1 - 100%    | 10 - 30 | 300 - 500% | 1 - 100%      | 100 - 300% | 300 - 500% | 1 - 100%    | 100 - 300% | 300 - 500% |
|                   | Program Summary Guidance***               | X                   | X           | X       | X          | X             | X          | X          | X           | X          | X          |

- \* Special Geologic Feature Buffer widths are a
  - Low Buffer is less than 50 feet
  - Medium Buffer is 50 to 100 feet
  - High Buffer is greater than 100 feet
- \*\* Rates greater than 500% not recommended.
- \*\*\* Assumes adequately permeable soils and location of Special Geologic Features.
- 1 Infiltration systems may be allowed at the design location which confirms nature of rock, location of Special Geologic Feature(s).
- 2 In these Special Geologic Features: Low Buffer provided that a Detailed Site Investigation is



26 Attachment 7

Borough of Coplay

**APPENDIX E\***

**Stormwater Best Management Practices Operations and Maintenance Agreement**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between \_\_\_\_\_ (hereinafter the "Landowner"), and \_\_\_\_\_ County, Pennsylvania, (hereinafter "Municipality");

**WITNESSETH**

**WHEREAS**, the Landowner is the owner of certain real property as recorded by deed in the land records of \_\_\_\_\_ County, Pennsylvania, Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, (hereinafter "Property").

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

**WHEREAS**, the stormwater management BMP Operations and Maintenance Plan approved by the Municipality (hereinafter referred to as the "Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, 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, his 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 Best Management Practices be constructed and maintained on the Property; 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 to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.
- Infiltration Trench - A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer,
- Seepage Pit - 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,
- 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, and

**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, his successors and assigns. And

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**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 BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. 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.
3. 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.
4. 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 enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). 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.
5. 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 and if not timely paid, a Municipal lien shall be placed upon the premises for 110% of the invoice amount, plus statutorily allowed fees, expenses and costs.
6. 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.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, hereby release and hold harmless 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. 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 his own expense, any suit based on the claim. 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.
8. The Municipality shall inspect the BMP(s) as necessary to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of \_\_\_\_\_ County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the municipality:

\_\_\_\_\_

(SEAL)

For the Landowner:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_ (City, Borough, Township)

County of \_\_\_\_\_, Pennsylvania

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, do hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, has acknowledged the same before me in my said County and State.

**GIVEN UNDER MY HAND THIS** \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_

\_\_\_\_\_

**NOTARY PUBLIC**

**(SEAL)**





*26 Attachment 8*

Borough of Coplay

**APPENDIX F**

**Low Impact Development 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 postdevelopment runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate predevelopment hydrologic conditions, forced 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 minimize 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,

## WATER

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.
- **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. Municipal planners and traffic designers should encourage 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.
- **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, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
- **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
- **Constructing Cluster Developments.** Cluster 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. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

*26 Attachment 9*

Borough of Coplay

**APPENDIX G**

**Preliminary Site Investigation and Testing Requirements**

**Required Data and Site Information:** The following data shall be gathered utilizing standard testing procedures as part of a preliminary site investigation:

- Bedrock composition — Any apparent boundaries between carbonate and noncarbonate bedrock must be verified by a qualified geotechnical professional.
- Bedrock structural geology — This includes the possible presence of faults and mapping of conspicuous fracture traces or lineaments.
- Overburden and soil mantle composition and thickness.
- Permeability of the soil.
- Depth to the seasonal high water table.
- Presence of special geologic features — "Ibis includes sinkholes, closed depressions, fracture traces, lineaments and geologic contacts between carbonate and noncarbonate bedrock.

**Investigation Required for All Sites**

**Review of Available Data, Maps and Reports:** Some of the required information, as listed above, can be found in existing published data. Suggested resources include the following:

- Geologic maps and references for the development area.
- The Little Lehigh Creek Basin Carbonate Prototype Area Closed Depression Map — available at the LVPC.
- USGS topographic maps.
- Lehigh and Berks County soil survey maps.
- Aerial photographs from the LVPC or other sources.
- Relevant Pennsylvania Geologic Survey Open File Reports (Kochanov 1987a, 1987b) that provide maps of sinkholes and karst features for Lehigh and Berks counties.

**Field Inspections:** In addition to gathering data from published sources, a field inspection of the proposed site is required. A field inspection can provide additional information relating to site features such as carbonate bedrock features, indicators of seasonal high stream-level or water table levels, streams, springs, etc.

**Soil Test Pit and Percolation Test Requirements:** A minimum of one test pit and a minimum of two percolation tests are required for every site. A test pit is a two to three-foot-wide, eight-foot-deep trench excavated with a backhoe for observing subsurface conditions. The test pits will be used to describe soil depth and quality, including soil horizons, and testing of permeability or percolation rates.

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Percolation tests are to be conducted as follows (adapted from § 73.15. Percolation Tests of the Pennsylvania Code):

1. The percolation tests shall be made in separate holes uniformly spaced over the possible infiltration area.
2. An "Initial Presoak" should not be performed.
3. Percolation holes located within the possible infiltration area shall be used in the calculation of the average percolation rate.
4. Holes having a uniform diameter of six to 10 inches shall be bored or dug as follows:
  - a. To the depth of the bottom of the possible infiltration BMP.
  - b. Alternate depths if the test pits/auger holes indicate that the soils are more suitable at a different depth (i.e., if a clay horizon is identified and more suitable soils are located beneath the horizon, and infiltration test should be performed in the suitable horizon).
5. The bottom and sides of the hole shall be scarified with a knife blade or sharp-pointed instrument to completely remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Loose material shall be removed from the hole. Two inches of coarse sand or fine gravel shall be placed in the bottom of the hole to protect the soil from scouring and clogging of the pores.
6. Immediately before the percolation test, as a final presoak, water shall be placed in the hole to a minimum depth of six-inches over the gravel and re-adjusted every 30 minutes for 1 hour.
7. The drop in the water level during the last 30 minutes of the final presoaking period shall be applied to the following standard to determine the time interval between readings for each percolation hole:
  - a. If water remains in the hole, the interval for readings during the percolation test shall be 30 minutes.
  - b. If no water remains in the hole, the interval for readings during the percolation test may be reduced to 10 minutes.
8. After the final presoaking period, water in the hole shall again be adjusted to approximately six-inches over the gravel and readjusted when necessary after each reading.
  - a. Measurement to the water level in the individual percolation holes shall be made from a fixed reference point and shall continue at the interval determined from step No. 7 (above) for each individual percolation hole until a minimum of eight readings are completed or until a stabilized rate of drop is obtained, whichever occurs first. A stabilized rate of drop means a difference of 1/4 of an inch or less of

- drop between the highest and lowest readings of four consecutive readings.
- b. The drop that occurs in the final period in percolation test holes, expressed as inches per hour, shall be used to calculate the average percolation rate.
  - c. When the rate of drop in a percolation test is too slow to obtain a measurable rate, the rate of 0.25 inches per hour shall be assigned to that hole for use in calculating the average percolation rate. The infiltration area may be placed over holes with no measurable rate when the average percolation rate for the possible infiltration area is within the acceptable range.

When a percolation test hole yields a percolation rate of greater than 12 inches per hour, the proposed infiltration area may not be designed or installed within 25 feet of this hole unless the Municipality determines that a testing anomaly caused the fast percolation rate and a retest of the area yields acceptable percolation rates. This percolation rate limit is established to protect groundwater quality and to minimize the risk of subsidence.

#### **Additional Site Investigation and Testing Required if Infiltration is Proposed**

**Soil Test Pit Requirements:** The required number of test pits varies with Effective Soil Thickness. As risk factors increase, the number of test pits increases. A minimum of 2 test pits, uniformly spaced within the proposed infiltration area (e.g., the 2 pits should be centered on each half of the proposed infiltration area), are required for any site proposing infiltration unless the applicant can demonstrate that one test pit is adequately representative of the area proposed for infiltration. For larger infiltration areas, multiple test pits shall be developed at the densities as listed below:

| Effective Soil Thickness (ft.) | Test Pit Density (per acre of proposed infiltration area)* | Percolation Tests (per acre of proposed infiltration area)** | Auger Grid Spacing (Feet On-Center) |
|--------------------------------|--|--|-------------------------------------|
| 8                              | 4  | 8  | 50                                  |
| 4 to 8                         | 6  | 12   | 35                                  |
| 2 to 4                         | 8  | 16   | 25                                  |

\* No. of Test Pits required - Infiltration sq. ft./43,560 sq. ft. x test pit density from chart rounded up to the nearest whole number.

\*\* No. of Percolation Tests required = Infiltration sq. ft./43,560 sq. ft. x percolation tests from chart rounded up to the nearest whole number.

**Soil Auger Testing Requirements for Carbonate Areas:** Because soil depth is not uniform in many carbonate areas, test pits will not be sufficient to accurately determine the depth to bedrock. Augering provides this essential data as inexpensively as possible. Track-rig rotary soil auger test drilling allows relatively inexpensive, qualitative determination of the presence of overburden voids and will generally penetrate to the top-of-bedrock. Augers typically extend to depths of 20 feet. Special augers extend to as much

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as 50 feet. Augers do not extend into the bedrock. Auger testing should be performed in a grid pattern across the proposed infiltration area, spaced as indicated in the above table.

**Percolation Testing Requirements:** A minimum of six percolation tests shall be conducted in accordance with the procedures listed above unless the applicant can demonstrate that fewer tests accurately represent the percolation rate of the proposed infiltration area. Additional testing shall be required if the initial test results show significant variability in percolation rate. For larger infiltration areas, percolation tests shall be conducted at the densities listed in the table above.