

ORDINANCE 93-152-1

An ordinance of the Township of Harborcreek, Erie County, Pennsylvania, amending Ordinance No. 93-152 to amend provisions of Section 110 and adding New Sections 111, 508, 509, and 905.

SECTION 1. PURPOSE.

This amendment is enacted to add four provisions (Erosion and Sediment Control, Post Construction Runoff Requirements, Prohibited Discharges, and Sanctions for Violations) to the ordinance to satisfy the Pennsylvania Department of Environmental Protection requirements for the Harborcreek Township Municipal Separate Storm Sewer System (MS4) permit.

SECTION 2. PROPOSED AMENDED SECTIONS.

The Harborcreek Township Storm Water Ordinance 93-152 is amended as follows:

- A. In Article I delete Section 110 and add new sections 110 and 111 as follows:

Section 110. Erosion and Sediment Control

- A. 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.
- B. The Pennsylvania Department of Environmental Protection (DEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- C. In addition, under 25 Pa. Code Chapter 92, a DEP “NPDES Construction Activities” permit is required for any earth disturbance one acre or more with a point source discharge to surface waters or the Municipality’s storm sewer system or five acres or more regardless of the planned runoff (hereinafter collectively referred to as “Regulated Earth Disturbance Activities”). This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.
- D. 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. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements subsection A.
- E. A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

Section 111. Post-Construction Runoff Requirements

- A. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- B. The Best Management Practices (“BMPs”) must be designed to protect and maintain existing uses (e.g., drinking water use; cold water fishery use) 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, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to herein as “State Water Quality Requirements”).
- C. To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - 1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 - 2. Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and
 - 3. Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).
- D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices (“BMPs”) that control runoff from new development and redevelopment (hereinafter “development”) after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. 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. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of subsection A.

B. In Article V added new Sections 508 and 509 as follows:

Section 508. Prohibited Discharges

- A. 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 (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - 1. Discharges from fire fighting activities
 - 2. Uncontaminated water from foundation or from footing drains
 - 3. Potable water sources including dechlorinated water line and fire hydrant flushings
 - 4. Flows from riparian habitats and wetlands
 - 5. Lawn watering
 - 6. Irrigation drainage
 - 7. 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
 - 8. Routine external building washdown (which does not use detergents or other compounds)
 - 9. Air conditioning condensate
 - 10. Water from individual residential car washing
 - 11. Dechlorinated swimming pool discharges
 - 12. Springs
 - 13. Uncontaminated groundwater
 - 14. Water from crawl space pumps
- C. In the event that the Municipality determines that any of the discharges identified in Subsection B 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.
- D. Upon notice provided by the Municipality under subsection C, 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.
- E. Nothing in this Section shall affect a discharger's responsibilities under state law.

Section 509. Prohibited Connections

- A. The following connections are prohibited, except as provided in Section B above:
1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
 2. 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.
- C. In Article IX added new Section 905 as follows:

Section 905. Sanctions for Violations of Section 110, 111, 508, & 509

A. Enforcement

Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of prohibited connections or discharges;
3. Cessation of any violating discharges, practices, or operations;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs;
6. The implementation of stormwater BMPs; and
7. Operation and maintenance of stormwater BMPs.

Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

B. Suspension and Revocation of Permits and Approvals

Any building, land development or other permit or approval for Regulated Earth Disturbance Activities issued by the Municipality may be suspended or revoked by the Municipality for:

1. Non-compliance with or failure to implement any provision of the permit;
2. A violation of any provision of this Ordinance, or
3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

SECTION 3. REPEALER.

Any provisions of any prior enactments, including any amendments of the original Storm Water Management Ordinance, 93-152, inconsistent with the provisions contained herein, are hereby repealed and replaced by these provisions. The remaining provisions of Ordinance 93-152, and its amendments shall remain effective and should be interpreted consistent with the term of this agreement.

BE IT HEREBY ENACTED AND ORDAINED this 17th day of March, 2004.

HARBORCREEK TOWNSHIP SUPERVISORS

Kenneth C. Springirth, Chairperson

Donna L. Mindek, Supervisor

Absent
David K. Bossart, Supervisor

ATTEST:

I hereby certify that the foregoing ordinance was advertised in the Erie Times on Friday, March 5, 2004, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at a regular meeting of the Harborcreek Township Board of Supervisors held on March 17, 2004.
