

# CITY OF SCRANTON STORMWATER MANAGEMENT ORDINANCE

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*FILE OF COUNCIL NO. 76, 2012  
EFFECTIVE 12/15/2012*



**\$ 30.00**





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**MAYOR**

**CITY COUNCIL**

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ENACTING ORDINANCE

*Law*

FILE OF COUNCIL NO. 76

2012

AN ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGULATION AND CONTROL OF STORMWATER MANAGEMENT IN THE CITY OF SCRANTON FOR THE LACKAWANNA RIVER WATERSHED PURSUANT TO PENNSYLVANIA'S STORMWATER MANAGEMENT ACT, ACT 167, AS AMENDED; BY PROVIDING FOR THE APPROVAL OF STORMWATER PLANS, PROVIDING STANDARDS AND METHODOLOGIES FOR THE DESIGN OF STORMWATER CONTROLS; THE ADMINISTRATION OF THIS ORDINANCE BY THE CITY OF SCRANTON AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, The Council of the City of Scranton finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of people of the City of Scranton and the Commonwealth, their resources and the environment.
- C. Stormwater is an important water resource. Less runoff provides for increased groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. 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); and

WHEREAS, The current City of Scranton Stormwater Management Ordinance (File of the Council No. 54, 1993) does not meet current Pennsylvania Department of Environmental Protection (PA DEP) standards; and

CERTIFIED COPY  
*[Signature]* City Clerk

Introduced in Council on above date and referred to Committee on RULES

November 29, 2012

City Clerk

Scranton, PA, December 13, 2012  
Committee on Rules reports favorably on the within Ordinance

Chairman

SIXTH ORDER:  
December 6, 2012

WHEREAS, The Pennsylvania Department of Environmental Protection requires municipalities with Stormwater Management Ordinances enacted prior to 2005 to adopt an ordinance which complies the revised standards; and

WHEREAS, An ordinance meeting the revised standards entitled "City of Scranton Stormwater Management Ordinance" is attached as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SCRANTON that the City of Scranton Stormwater Management Ordinance is hereby adopted.

SECTION-1. File of the Council No. 54, 1993 is hereby repealed in its entirety and any other ordinance provision(s) or regulation of the City of Scranton inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION-2. This Ordinance shall be known and may be cited as "The City of Scranton Stormwater Management Ordinance".

SECTION-3. If any section, clause, provision or portion of this ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes & intent of this ordinance, & the effective administration thereof.

SECTION-4. This Ordinance will take effect immediately upon passage.

SECTION-5. This Ordinance is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, known as the "Pennsylvania Municipalities Planning Code", Act 167 of 1978, as amended, known as the "Stormwater Management Act" and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council  
December 13, 2012  
Receiving the Affirmative votes of Council Persons

McGuff, Rogan, Loacomb, Joyce, Evans

Negative NONE

James Adams  
President

Approved 12-14-12  
Charles... Mayor  
... City Clerk  
Certified Copy

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## ARTICLE I - GENERAL PROVISIONS

### Section 101. Short Title

This Ordinance shall be known and may be cited as the “City of Scranton Stormwater Management Ordinance.”

### Section 102. Statement of Findings

See Enacting Ordinance File of Council No. 76, 2012

### Section 103. Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the City of Scranton and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Accommodate site development and redevelopment in a manner that protects public safety and that is consistent with (or re-establishes) the natural hydrologic characteristics of the Lackawanna River Watershed and sustains ground water recharge, stream baseflows, stable stream channel (geomorphology) conditions, the carrying capacity of streams and their floodplains, ground water and surface water quality, and aquatic living resources and their habitats.
- B. Meet legal water quality requirements under state law, including regulations at 25 Pa. Code Chapter 93 to protect, maintain, reclaim and restore the existing and designated uses of the waters of this Commonwealth.
- C. Authorize a comprehensive program of storm water management designated to preserve and restore the flood carrying capacity of Commonwealth streams; to preserve to the maximum extent practicable natural storm water runoff regimes and natural course, current and cross-section of waters of the Commonwealth; and to protect and conserve ground waters and ground-water recharge areas.
- D. Reduce flooding impacts and prevent a significant increase in surface runoff rates and volumes, predevelopment to post-development, which could worsen flooding downstream in the watershed, enlarge floodplains, erode stream banks and create other flood-related health-welfare-property losses; in general, to preserve and restore the natural flood-carrying capacity of streams and their floodplains.
- E. Protect adjacent lands from adverse impacts of direct stormwater discharges.
- F. Manage stormwater runoff close to the source.
- G. Provide procedures and performance standards for stormwater planning and management.

- H. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- I. Prevent scour and erosion of stream banks and streambeds.
- J. Provide proper operations and maintenance of all permanent Stormwater Management (SWM) Best Management Practices (BMPs) that are implemented within the City of Scranton.
- K. Address certain requirements of the Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Regulations.
- L. Encourage the provision or upgrade of stormwater BMPs for existing development.
- M. Reduce the impacts of runoff and stormwater infiltration on the Scranton Sewer Authority system.

#### Section 104. Statutory Authority

A. Primary Authority:

The City of Scranton 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 Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule charter and Option Plans Law" and any other applicable law arising under the laws of the State of Pennsylvania. .

B. Secondary Authority:

The City of Scranton also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

#### Section 105. Applicability

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

#### Section 106. Repealer

See Enacting Ordinance File of Council No. 76, 2012

#### Section 107. Severability

See Enacting Ordinance File of Council No. 76, 2012



## Section 108. Compatibility with Other Ordinance Requirements

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

## ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

**Agricultural Activity** - The work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.

**Applicant** - A landowner, developer or other person who has filed an application to the City of Scranton for approval to engage in any Regulated Activity at a project site in the City of Scranton.

**Best Management Practice (BMP)** - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-structural". In this ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, rain gardens, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**Buffer, Stream Buffer, Riparian Buffer, or Aquatic Buffer** – An area of permanent native vegetation, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, reservoir, or costal estuarine area.

**CFS** – Cubic Feet per Second.

**Channel** - A natural or artificial watercourse that conveys, continuously or periodically, flowing water.

**City of Scranton or City** – the City of Scranton, Lackawanna County, Pennsylvania, or its designee.

**Conservation District** - A conservation district, as defined in section 3(c) of the Conservation District Law (3 P. S. § 851(c)), which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

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

**Detention** - the volume of runoff that is captured and released into the Waters of this Commonwealth at a controlled rate.

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

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

**Ditch/Swale** - An artificial waterway for irrigation or stormwater conveyance.

**DEP** - The Pennsylvania Department of Environmental Protection.

**Development Site (Site)** - See Project Site.

**Disturbed Area** – An unstabilized land area where an Earth Disturbance is occurring or has occurred.

**Drainage Area** - That land area contributing runoff to a single point and that is enclosed by a ridge line.

**Drainage System** - All facilities and natural features used for the movement of stormwater through and from a drainage area, including, but not limited to, any and all of the following; conduits, pipes and appurtenant features: channels, ditches, flumes, culverts, streets, swales, gutters as well as all watercourses, water bodies and wetlands.

**EPA** - Environmental Protection Agency.

**Earth Disturbance** - 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; the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Erosion** - The wearing away of land surface by water or wind which occurs naturally from weather or runoff, but is often intensified by human activity.

**Existing Condition** – The dominant land cover during the five (5) year period immediately preceding a proposed Regulated Activity.

**FEMA** – Federal Emergency Management Agency

**Floodplain** - Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Included are lands adjoining a river or stream that have been or may be expected to be inundated by a 100-year flood. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PADEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PADEP).

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

**Forest Management / Timber Operations** - Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

**Hydrologic Soil Group (HSG)** - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS<sup>3,4</sup>)

**Impervious Surface (Impervious Area)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks..Decks, parking areas and driveway areas are not counted as impervious areas if they do not prevent infiltration. Net Increase of Impervious Surface refers to the difference between the existing impervious coverage and the total impervious surface proposed

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

**Intensity** - The depth of accumulated rainfall per unit of time.

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

**Land Development (Development)** – Inclusive of any or all of the following meanings:

(i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) 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; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

**Loading** – The total amount (generally measured in pounds or kilograms per acre per year) of material (sediment, nutrients, oxygen-demanding material, or other chemicals or compounds) brought into a lake, stream or water body by inflowing streams, runoff, direct discharge through pipes, ground water, the air (aerial or atmospheric deposition) and other sources over a specific period of time (often annually).

**Maintenance** -The action taken to restore or preserve the as-built functional design of any facility or system.

**Meadow Condition** - A natural groundcover with less than one viable tree of a DBH (Diameter at breast height, 4.5 feet) of six (6) inches or greater per fifteen-hundred (1,500) square feet within three (3) years of application; a cover condition for which SCS curve numbers have been assigned or to which equivalent rational method runoff coefficients have been assigned.

**MS4** - Municipal Separate Storm Sewer System.

**NOAA** - National Oceanic and Atmospheric Administration.

**National Pollution Discharge Elimination System (NPDES)** – Created in 1972 under the Clean Water Act to authorize discharges to local receiving waters only pursuant to governmental permits, in an effort to reduce point source and non-point source pollutants.

**Non-structural Stormwater Management Practices** - Passive, site design approaches or regulatory approaches that positively impact water quality and reduce or minimize the generation of stormwater runoff without requiring the construction of specific or discrete stormwater management control structures.

**Open Channel** – Any natural or man-made watercourse or conduit in which water flows with a free surface.

**Open Vegetated Channel** – also known as swales, grass channels, and biofilters. These systems are used for the conveyance, retention, infiltration and filtration of stormwater runoff.

**PA BMP Manual** - Pennsylvania Stormwater Best Management Practices Manual, PA DEP DOCUMENT NUMBER: 363-0300-002, as amended and updated.

**PACD - Pennsylvania Association of Conservation Districts.**

**PADEP** – Pennsylvania Department of Environmental Protection.

**Penn DOT** – Pennsylvania Department of Transportation.

**NRCS** – USDA Natural Resources Conservation Service (previously SCS).

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

**Pervious Area** – Any area not defined as impervious.

**Project Site** - The specific area of land where any Regulated Activities in the City of Scranton are planned, conducted, or maintained.

**Qualified Professional** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by the Ordinance.

**Regulated Activities**- Any Earth Disturbances or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

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

**Retention / Removed Runoff**- The volume of runoff that is captured and not released directly into the surface Waters of this Commonwealth during or after a storm event.

**Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every twenty-five years. The probability of a 25-year storm occurring in any one year is 0.04 (i.e. a 4% chance).

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

**Sediment**- Soils or other materials transported by surface water as a product of erosion.

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

**Stormwater** – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

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

**Stormwater Management Plan** - The Lackawanna River Watershed Stormwater Management Plan for managing storm water runoff adopted by the County of Lackawanna as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act”.

**Stormwater Management Best Management Practices** - Is abbreviated as **SWM BMPs** throughout this Ordinance.

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

**Stream** – For purposes of administration of this Ordinance (other regulatory Agencies such as the United States Army Corps of Engineers have a different definition), a stream is defined as a perennial or intermittent watercourse identified through site inspection and U.S. Geological Survey (USGS) maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

**Subdivision** – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

**USDA** – United States Department of Agriculture.

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

**Watershed** - Region or area drained by a river, watercourse or other surface water of the Commonwealth.

**Wetland** - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence

of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.



## ARTICLE III - STORMWATER MANAGEMENT STANDARDS

### Section 301. General Requirements

- A. For all Regulated Activities, unless preparation of a SWM Site Plan is specifically exempted in Section 302:
  - 1. Preparation and implementation of an approved SWM Site Plan is required.
  - 2. No Regulated Activities shall commence until the City of Scranton issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by the City of Scranton, in accordance with Section 406, shall be on site throughout the duration of the Regulated Activity.
- C. The City of Scranton may, after consultation with DEP, approve measures for meeting the State Water Quality Requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, State law including but not limited to the Clean Streams Law.
- D. For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g., during construction), to meet the purposes and requirements of this Ordinance and to meet all requirements under Pennsylvania Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008 (2000), as amended and updated.
- E. Impervious Areas:
  - 1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
  - 2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
  - 3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except the volume controls in Section 303 and the peak rate controls of Section 304 do not need to be retrofitted to existing impervious area.

- F. Stormwater flows onto adjacent property shall not be created, increased, relocated, or otherwise altered without written notification to the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.
- G. All regulated activities shall include such measures as necessary to:
1. Protect health, safety, and property;
  2. Meet State Water Quality Requirements as defined in Article II;
  3. Meet the water quality goals of this ordinance by implementing measures to:
    - a. Minimize disturbance to floodplains, wetlands, woodlands, areas of steep slopes and existing native vegetation.
    - b. Preserve and maintain trees and woodlands. Maintain or extend riparian buffers and protect existing forested buffer. Provide trees and woodlands adjacent to impervious areas whenever feasible.
    - c. Establish and maintain non-erosive flow conditions in natural flow pathways.
    - d. Minimize soil disturbance and soil compaction. Cover disturbed areas and replace topsoil to a depth sufficient to achieve adequate vegetated cover. Use tracked equipment for grading when feasible.
    - e. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
  4. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in *The Pennsylvania Stormwater Best Management Practices Manual (PA BMP Manual)*<sup>1</sup>.
- H. The design of all facilities over Karst shall include an evaluation of measures to minimize adverse effects.
- I. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.
- J. Storage facilities should completely drain both the volume control and rate control capacities over a period of time not more than 72 hours from the end of the design storm, or otherwise be treated.
- K. For all Regulated Activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all

requirements under Pennsylvania Code Title 25, the Clean Streams Law, the Storm Water Management Act, and Section 103 of this Ordinance.

- L. Various BMPs and their design standards are listed in the PA BMP Manual<sup>1</sup>.
- M. Materials Workmanship and Methods: All materials, workmanship, and methods of work shall comply with the Pennsylvania Department of Transportation Publication 408 Specifications, as accepted and commonly used by the City of Scranton, and shall be considered to be incorporated into this Article as if copied in full. In the event a conflict arises between the requirements of this Ordinance and the PA DOT Publication 408 Specifications, the City of Scranton shall resolve the difference, and said opinion shall be binding.
- N. Supplemental standards and criteria contained in Article IX are hereby incorporated into this Ordinance to govern the hydrologic and hydraulic design provisions contained herein.
- O. The signature and seal of a registered professional engineer, if required, must be provided at the time of Plan submission.

## Section 302. Exemptions

- A. The following activities are specifically exempt from the plan preparation and submission provisions of this Ordinance, but remain subject to the requirements in Sections 301.E. through L. of this Ordinance (and erosion and sedimentation pollution control requirements).
  - 1. Regulated Activities that create Impervious Areas smaller in area less than 5,000 sq. ft. and regulated activities that disturb less than 5,000 sq. ft. are exempt from the Peak Rate Control and the SWM Site Plan preparation requirement of this Ordinance. Refer to the Stormwater Management Plan (SMP) Requirements in Appendix B.  
  
Refer to the Stormwater Management Plan (SMP) Requirements in Appendix B.
  - 2. Agricultural plowing and tilling are exempt from the rate control and SWM Site Plan preparation requirements of this ordinance provided the activities are performed according to the requirements of 25 Pa.Code Chapter 102 Erosion and Sediment Control.
  - 3. Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this ordinance provided the activities are performed according to the requirements of 25 Pa.Code Chapter 102 Erosion and Sediment Control.

4. Use of land for gardening for home consumption.
  5. Agriculture when operated in accordance with an approved conservation plan.
- B. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.E. through L.
- C. The City of Scranton may include permit conditions to specify that regulated activities maintain a minimum distance between proposed impervious areas/stormwater management facility outlets and down slope property line(s).

### Section 303. Volume Controls

The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Where the design professional determines volume controls are not practical or will place an undue hardship on the development they may request a waiver from complying with this section. The Waiver request shall contain sufficient information for the City of Scranton to consider the request. If the City of Scranton determines the volume controls are not practicable or will place an undue hardship on the development it shall grant the waiver. Water volume controls shall be implemented using the *Design Storm Method* in Subsection A or the *Simplified Method* in Subsection B below. For Regulated Activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- A. *The Design Storm Method* (CG-1 in the **PA BMP** Manual) is applicable to any size of Regulated Activity. This method requires detailed modeling based on site conditions.
1. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration rainfall.
  2. For modeling purposes:
    - a. Existing (pre-development) non-forested pervious areas must be considered meadow or its equivalent.
    - b. Twenty (20) percent of existing impervious area, when present, shall be considered meadow in the model for existing conditions for redevelopment.
- B. *The Simplified Method* (CG-2 in the PA BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to Activities that disturb greater than one (1) acre, or for projects that require design of stormwater storage facilities. For new impervious

surfaces:

1. Stormwater facilities shall be sized to capture at least the first two inches (2") of runoff from all new impervious surfaces.
2. At least the first one inch (1.0") of runoff from new impervious surfaces shall be permanently removed from the runoff flow — i.e. it shall not be released into the surface Waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first one-half inch (0.5") of the permanently removed runoff should be infiltrated.
4. This method is exempt from the requirements of Section 304, Rate Controls.

#### Section 304. Rate Controls

- A. Areas not covered by a Release Rate Map from an approved Act 167 Stormwater Management Plan:

Post-development discharge rates shall not exceed the predevelopment discharge rates for the 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour, storms. If it is shown, that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

- B. Areas covered by a Release Rate Map from an approved Act 167 Stormwater Management Plan:

For the 2-, 5-, 10-, 25-, 50-, and 100-year storms, the post-development peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the post-development discharge rates shall not exceed the predevelopment discharge rates.

#### Section 305. Technical Design Standards

All regulated activities shall be conducted in conformance with the following standards:

- A. After installation of impervious cover, peak discharges for the 2, 5, 10, 25, 50, and 100 year frequency storms from the site shall not exceed the respective peak discharge performance standards in this ordinance.

Stormwater runoff shall be managed so that no downstream increases in flood damages or impairment of streets and other public facilities occur. The City of Scranton may require that downstream impacts be evaluated at critical locations such as dams, tributaries, existing developments, undersized culverts, and flood prone areas. The City of Scranton shall make the final determination with respect to the degree of management required for any site. The applicant shall evaluate the effects of the proposed plan on such critical locations by providing computed water surface elevations (WSEL) for the 10 and 100 year storms. Methods of computation shall have prior approval of the City of Scranton. At such downstream critical locations, stormwater management may be exercised by:

1. Providing off-site improvements to downstream conveyances in order to contain flow increases.
  2. Providing downstream drainage easements with sufficient widths to contain the flood limits.
- B. Groundwater Recharge: The City of Scranton may impose stormwater quality measures in accordance with this Ordinance to protect against ground or surface water pollution where the type of business or the nature of the stormwater runoff and soils underlying stormwater management facilities would constitute a substantial risk of contamination.
- C. In establishing the site conditions for calculating stormwater runoff prior to development, the following assumptions shall apply:
1. Woodland or meadow in good condition shall be used for all undeveloped areas.
  2. Average antecedent moisture conditions as defined by the Natural Resource Conservation Service (NRCS).
  3. Determining pre-development peak discharges from Karst geologic areas apply either:
    - a. Peak Adjustment Factors in accordance with the USGS Water Resources Investigations Report 00-4189, Techniques for Estimating Magnitude and Frequency of Peak Flows for Pennsylvania Streams, OR
    - b. Drainage area reductions equal to the area of undrained depressions or pond factor adjustments in accordance with the Urban Hydrology for Small Watersheds, Technical Release No. 55 (TR-55, USDA, NRCS).
- D. Hydrologic Methods: All plans and designs for stormwater management facilities shall be reviewed by the City of Scranton. Plans for facilities other than storm sewers should determine stormwater peak discharge and stormwater runoff by the use of the PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended. The City of Scranton may permit the use of the Modified Rational Method or other methods for calculation of the storage capacity of a stormwater management facility from drainage areas of twenty (20) acres or less.

1. Coefficients: Acceptable runoff coefficient values for use in the Rational Method equation are identified in Appendix C, of this Ordinance. When applying the Rational Method coefficients in Table A-3, “open space” coefficients shall be used for undeveloped, densely vegetated (non-forest) areas instead of “meadow” coefficients. Refer to PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended, for permissible curve numbers.

The Rational Formula may be used in lieu of the Soil Cover Complex Method to compute design flows for the sizing of storm sewers, inlets, and swales.

2. Rainfall amounts for the return periods specified shall be determined using the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2 (as amended), U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, 20910. Rainfall duration for hydrograph generation shall be selected for the specified recurrence intervals on the basis of twice the computed time of concentration for the given watershed and subwatersheds. In no case shall the duration be less than twenty-four (24) hours.
3. Time of concentration shall be determined in accordance with the methods presented in PennDOT Drainage Manual, Publication Number 13, DM-2 Chapter 10, as amended.
4. In order to reduce stormwater runoff volumes from developed areas and encourage groundwater recharge, underground basin drains, infiltration trenches, and cisterns are permitted to which roof leaders may be connected. These drains consist of stone-filled basins which temporarily store and release water below ground surface. Plans for such facilities shall be submitted to the City of Scranton for approval, and the basins shall be used only in those areas where soils, geologic, and water table conditions permit.

E. Stormwater management facilities and related installations shall be provided:

1. To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection.
2. To ensure adequate drainage of all low points along the curb line of streets.
3. To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, and to prevent substantial flow of water across intersections or flooded intersections during storms, in accordance with the procedures in the PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended.

4. To ensure adequate and unimpeded flow of stormwater under driveways in, near, or across natural watercourses or drainage swales. Suitable pipes or other waterways shall be provided as necessary.
5. To properly drain stormwater runoff from all land development projects. All lot and open areas shall be designed to drain to the nearest practical street or drainage system, existing or proposed, as defined by the City of Scranton, with no impact on adjoining properties, unless an area specifically designed for stormwater detention is provided.

F. Storm sewers and related installations:

1. Storm sewers, where required by zoning and land use densities, shall be placed under or immediately adjacent to the roadway side of the curb, or as directed by the City of Scranton, when parallel to the street within the right-of-way.

When located in undedicated land, they shall be placed within a drainage easement not less than twenty (20) feet wide as approved by the City of Scranton.

The use of properly designed, graded, and turfed drainage swales is encouraged in lieu of storm sewers in commercial and industrial areas and, where approved by the City of Scranton, in residential areas. Such swales shall be designed not only to carry the required discharge without excessive erosion, but also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil, where appropriate. Criteria related to the use and design of drainage swales are as follows:

Criteria:

1. Where vegetated drainage swales are used in lieu of or in addition to storm sewers, they shall be designed to carry the 25-year discharge without erosion, and also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil.
2. The maximum encroachment of water on the roadway pavement along roadside swales in cut areas shall not exceed half of a through traffic lane during a 10-year frequency storm of five (5) minute duration. Frequent and/or sustained flooding of the sub-base shall be avoided.
3. Swales shall be designed in accordance with PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended. Inlets shall be provided to limit the shoulder encroachment and water velocity.
4. The side slope for any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three (3) horizontal to one (1) vertical on those areas to be mowed.
5. Erosion Prevention: All drainage swales shall be designed to prevent the erosion of the bed and bank areas. Suitable temporary and/or permanent stabilization during vegetative cover establishment shall be provided to prevent erosion.



6. Storm sewers or drainage swales shall discharge to a detention or retention basin to attenuate the peak rate and volume, respectively of stormwater runoff, except as provided in the plan.
7. Design Standard: Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined in the PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended.

Guidelines:

1. Deed restrictions may be required on property(ies) containing drainage swales and/or perennial streams. When required, these deed restrictions shall specify that no property owner obstruct or alter any drainage swale or perennial stream identified in the stormwater management plan.
2. The design capacity of storm sewers shall be in accordance with PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended. Storm drainage systems shall be designed without surcharging inlets to provide conveyance of stormwater runoff into a detention basin or similar facility utilized to manage the rate of stormwater runoff. To avoid surcharging inlets, and to ensure that inlets will receive stormwater runoff, the hydraulic grade line at the inlet should be at least 1 foot (12) inches below the elevation of the inlet grate. Where site grading will direct stormwater runoff from the 100 year design storm to a detention basin or similar facility utilized to manage the rate of stormwater runoff, then the storm sewer may be designed for the 10 year design storm. Where site grading will not direct stormwater runoff from the 100 year design storm to a detention basin or similar facility utilized to manage the rate of stormwater runoff, then the storm sewer shall be designed for the 100 year design storm. Conveyance of storms to the detention basin, up to and including the 100 year frequency, shall be provided so as not to endanger life or seriously damage property.
3. Storm inlet types and inlet assemblies shall conform to the Pennsylvania Department of Transportation Standards for Roadway Construction as approved by the City of Scranton.
  - a. Inlets shall, at a minimum, be located at the lowest point of street intersections to intercept the stormwater before it reaches pedestrian crossings; or at sag points of vertical curves in the street alignment which provide a natural point of ponding of surface stormwater.
  - b. Where the City of Scranton deems it necessary because of special land requirements, special inlets may be approved.

- c. The interval between inlets collecting stormwater runoff shall be determined in accordance with the PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended.
  - d. In curbed sections, the maximum encroachment of water on the roadway pavement shall not exceed half of a through traffic lane or one (1) inch less than the depth of curb during the 10 year design storm of five (5) minute duration. Inlets shall be provided to limit the encroachment of water on the pavement. When inlets are used in a storm system within the right-of-way limits of a street in lieu of manholes, the spacing of such inlets shall not exceed the maximum distance of four hundred fifty (450) feet.
  - e. The design of storm inlets shall be in accordance with PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended.
  - f. All inlets shall be marked with a 4" stainless steel storm drain marker that indicates "NO DUMPING-DRAINS TO RIVER" or similar message approved by the City of Scranton.
- 4. Accessible drainage structures shall be located on a continuous storm sewer system at all vertical dislocations, at all locations where a transition in storm sewer pipe sizing is required, at all vertical and horizontal angle points exceeding five (5) degrees, and at all points of convergence of two or more influent storm sewer mains. The construction locations of accessible drainage structures shall be as indicated on the subdivision drainage plan or area drainage plan approved by the City of Scranton.
  - 5. When evidence available to the City of Scranton indicates that existing storm sewers have sufficient capacity as determined by hydrograph summation and are accessible, proposed stormwater facilities may connect to the existing storm sewers so long as the peak rate of discharge does not exceed the amount permitted by this Article.
  - 6. When the outlet of stormwater to the Scranton Sewer Authority combined sewer system is the only feasible stormwater control method, in addition to meeting the requirements of this ordinance, compliance with the Sewer Authority of the City of Scranton "POLICY ON THE CONNECTION OF STORMWATER DISCHARGES INTO THE COMBINED SEWER SYSTEM" shall be required and evidenced by providing the City of Scranton with a copy of the permit to discharge into Scranton Sewer Authority System.

- G. Bridges and culverts shall have ample waterway opening to carry expected flows, based on the PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended, or as required by the City of Scranton.
- H. Detention or retention basins for the management of stormwater peak discharges shall meet the following requirements:
1. Basins shall be installed prior to or concurrent with any earthmoving or land disturbances which they will serve. The phasing of their construction shall be noted in the narrative and on the plan.
  2. The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where required, sinkhole formation. Soils used for the construction of basins shall have moderate to low erodibility factors (i.e. "K" factors of 0.32 or less).
  3. Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainageways discharge to or from basins.
  4. Outlet structures within detention/retention basins shall incorporate childproof, non-clogging trash racks or grates over all horizontally oriented openings. All vertically oriented openings over twelve (12) inches or larger in any dimension where entry by a child could cause injury or death shall be covered with childproof, non-clogging trash racks, except where such openings carry perennial stream flows. Design openings less than six (6) inches in any dimension shall be covered with a pipe screen (e.g. Neenah R-7512 or equivalent). Measures to completely drain detention/retention basins in the event of clogging of the primary design opening(s) shall be incorporated into the design of basin outlet structures. Basin outlet pipes shall have a minimum inside diameter of fifteen (15) inches or a cross-sectional area of one hundred seventy-six (176) square inches, except that pipes under a twenty-five foot or greater fill shall not be less than twenty-four (24) inches or a cross-sectional area of four hundred fifty-three (453) square inches, and shall consist of reinforced concrete.

Outlet aprons shall be designed and shall extend at a minimum to the toe of the basin slope. Where spillways will be used to manage peak discharges in excess of the 10 year storm, such spillways shall be constructed to withstand the pressures of impounded waters and convey flows at computed outlet velocities without erosion.

5. When the Pennsylvania Department of Environmental Protection requires facilities to be permitted, the designer shall submit all information to the PA DEP Regional Office, and obtain all necessary approvals and permits pursuant to Pennsylvania Code, Title 25, Chapter 105, Dam Safety and Encroachment Act.

6. Downstream Analysis:
  - a. Where deemed necessary by the City of Scranton, the applicant shall submit an analysis of the impacts of detained stormwater flows on downstream areas within the watershed, established with the concurrence of the City of Scranton. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of peak discharge modifications of the proposed development on critical locations such as dams, tributaries, existing developments, undersized culverts, and flood prone areas.
  - b. Review and comment of the downstream analysis by the City of Scranton shall be obtained as deemed necessary.
7. Detention basins may be waived by the City of Scranton at sites in close proximity to larger receiving streams, depending on the hydrology of the watershed. This is to facilitate drainage prior to main stream flooding. It shall be incumbent upon the applicant to demonstrate that no downstream increase in stream flooding or channel erosion will result in accordance with this Article, and that no increases in peak discharge within the receiving stream will occur as outlined in this Article.
8. Multiple Use Basins: The design and construction of multiple use stormwater detention facilities are strongly encouraged. In addition to stormwater management; where appropriate, facilities allow for recreational uses included: ball fields, play areas, picnic grounds, etc. Provision for parking facilities within basins and permanent wet ponds with stormwater management capabilities may also be appropriate. Prior approval and consultation with the City of Scranton are required before design. Multiple use basins should be constructed so that potentially dangerous conditions are not created.
9. Multiple Development Basins: Stormwater management facilities designed to serve more than one property or development in the same watershed are encouraged. Staged construction of existing or proposed multiple-use detention facilities by several developers in conjunction with watershed development is encouraged. Each applicant shall be responsible for the incremental increase in stormwater runoff generated by the respective development and incremental construction improvements necessary for the overall detention facility. Prior approval and consultation with the City of Scranton is required before design of such facilities.
10. Alternative Detention Facilities: Alternative stormwater detention facilities including roof top, subsurface basins or tanks and in-pipe detention storage, or other approved alternative designs are permitted as determined by the City of Scranton.

- I. All calculations shall be submitted to the City of Scranton on computation sheets acceptable to the reviewer for approval. If the City of Scranton determines through review and independent computation that the size(s) of storm pipes or detention basins is insufficient, the City of Scranton may require the applicant to increase the size(s) of said storm pipes or detention basins.

If the storm drainage system design is completed on a computer installation, sufficient supporting data shall be provided to allow comprehensive review by Municipal officials.

- J. When the elevation of any existing or proposed entrance to a structure, including windows, is lower than the elevation of the public cartway serving that site, a drainage plan shall be submitted, reviewed and approved as part of the zoning permit process for the proposed structure.

- K. The City of Scranton may require that stormwater management facilities located outside of existing or proposed right-of-ways shall be located within and accessible by easements as follows:

1. Drainage Easements: Where a tract is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement paralleling the line of such watercourse, drainageway, channel or stream. The width of the drainage easement will be adequate to preserve the unimpeded flow of natural drainage in the 100 year floodplain.

Drainage easements shall provide for maintenance, and for the purpose of widening, deepening, improving or protecting such drainage facilities.

2. Access Easements: Where proposed stormwater management facilities are not adjacent to proposed or existing public right-of-ways or are not accessible due to physical constraints, as determined by the City of Scranton, a twenty (20) foot wide passable access easement specifying rights of entry shall be provided. Access easements shall provide for vehicle ingress and egress on grades of less than ten (10) percent for carrying out inspection or maintenance activities.
3. Maintenance Easements: A maintenance easement shall be provided which encompasses the stormwater facility and appurtenances and provides for access for maintenance purposes. The maintenance easement must be located at least twenty (20) feet outside of the 100 year surface elevation and the stormwater facility and appurtenances.
4. Easements shall stipulate that no trees, shrubs, structures, excavation, or fill be placed, and no regrading is to be performed within the area of the easement without written approval from the City of Scranton. Upon approval, such landscaping may be placed in maintenance easements, provided it does not impede access.

5. Whenever practicable, easements shall be parallel to width and linked to property lines of the subdivision.
6. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan. The format and content of the easement agreement shall be reviewed and approved by the City of Scranton.

L. Sinkhole Protection:

1. Stormwater from roadways, parking lots, storm sewers, roof drains, or other concentrated stormwater runoff paths shall not be discharged directly into sinkholes.
2. To protect sensitive Karst areas, the City of Scranton may require basins to contain an impervious liner. The liner may be of the impervious membrane type, placed in accordance with the manufacturer's recommendations, or an approved alternative as approved by the City of Scranton.

M. Erosion and Sedimentation Control:

All plans for erosion and sediment pollution control (E&SPC) shall meet the requirements of The Clean Streams Law, Act of June 22, 1937, P.L. 1987 as amended, 35 P.S. §691.1, et.seq. & 25 PA Code 102.1 et.seq Erosion Control.

It shall be the responsibility of the applicant to submit the E&SPC Plan, Application, and other necessary material to the Conservation District or DEP Office, as appropriate. A copy of the transmittal letter shall be provided to the City of Scranton. Comments shall be received and E&SPC Plan approval obtained from the Conservation District prior to Stormwater Plan approval.

- N. All regulated activities that do not fall under the exemption criteria referenced herein shall submit a drainage plan to the City of Scranton for review. These criteria shall apply to the total proposed development even if development is to take place in stages. Impervious cover shall include, but not be limited to, any roof, parking or driveway areas and any new streets and sidewalks. Any areas designed to initially be gravel or crushed stone shall be considered to be impervious for the purposes of comparison to the waiver criteria, unless they are installed and maintained as provided for in the PA BMP Manual.

1. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Ordinance.
2. Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate

downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.

3. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintenance, including mowing of vegetation within the easement shall be required, except as approved by the appropriate governing authority.
4. When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, through the General Permit process.
5. Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.
6. Any stormwater management facilities regulated by this Ordinance that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PA DOT).
7. Minimization of impervious surfaces and infiltration of stormwater runoff through seepage beds, infiltration trenches, etc. are encouraged, where soil conditions permit, to reduce the size or eliminate the need for detention facilities. When infiltration is utilized, appropriate testing is required.
8. In order to promote overland flow and infiltration, roof drains should not discharge directly to streets or storm sewers. Roof drains may discharge directly to streets or storm sewers when deemed necessary by the City of Scranton. Under no circumstances shall roof drains discharge directly to sanitary sewer systems.

## ARTICLE IV - STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

### Section 401. Plan Contents

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

- A. Appropriate sections from the Municipal Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plans.
- B. The City of Scranton shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, the City of Scranton may either disapprove the submission and require a resubmission, or in the case of minor deficiencies the City of Scranton may accept submission of modifications.
- C. Provisions for a permanent access or maintenance easement for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance Plan discussed in Item I.9 below.
- D. The following signature block for the City of Scranton:  
  
“(Municipal Official or designee), on this date (date of signature) has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. (Number assigned to the Ordinance).”
- E. The following signature block for the registered professional preparing the Plan:  
  
“I, \_\_\_\_\_, hereby certify on this date (date of signature) that the stormwater management plan meets all design standards and criteria of the Ordinance No. (Number assigned to the Ordinance).”
- F. The following statement by the owner:  
  
“I/we hereby acknowledge that I/we and/or my/our assignees/grantees shall be responsible for maintenance of the stormwater management system shown hereon, in accordance with approved stormwater management ownership and maintenance plan for this project, and that such stormwater system shall remain as a permanent fixture that cannot be altered, replaced, or removed without prior written approval from the City of Scranton.”
- G. A note indicating that As-Built Plans may required to be submitted by a Qualified Professional for all stormwater facilities prior to occupancy, or the release of the surety bond. The City of Scranton reserves the right to authorize the Municipal Engineer to review said As-Built Plans.



- H. All permits required by the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation (PA DOT), and U.S. Army Corps of Engineers (USACE) and other regulatory agencies.
- I. The SWM Site Plan shall provide the following information:
1. The overall stormwater management concept for the project.
  2. A determination of Site Conditions in accordance with the PA BMP Manual<sup>1</sup>. A detailed site evaluation may be required for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas such as brownfields.
  3. Stormwater runoff design computations and documentation as specified in this Ordinance, or otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301.
  4. Expected project time schedule.
  5. A soil erosion and sediment control plan, where applicable, as prepared for and approved by the Conservation District.
  6. The effect (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
  7. Plans and profile drawings of all SWM BMPs including open channel structures, pipes, open channels, and swales shall be at the discretion of the City of Scranton.
  8. SWM Site Plan shall show the locations of existing watercourses and existing and proposed on-lot wastewater facilities, water supply wells, and infiltration areas.
  9. The SWM Site Plan shall include an operation and maintenance (O&M) plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for operation and maintenance.
  10. Horizontal and vertical profiles of any existing and proposed watercourses, drainageways, channels or streams, including hydraulic capacity.
  11. Hydrologic and hydraulic computations for all existing and proposed stormwater management facilities and measures.
  12. Stormwater management both during and after development.

13. Unless specifically exempted in writing, the following must also be shown on the SWM Site Plan, prepared in a form which meets the requirements for recording in the Office of the Register and Recorder of Lackawanna County, Pennsylvania:
- a) Annotated maps, drawings, engineering plans, and construction details. Said plan shall be prepared by a registered professional land surveyor, qualified geologist, landscape architect, architect, or engineer licensed in the State of Pennsylvania, with said preparer's seal and registration number affixed to the plan. Plans for tracts of less than twenty (20) acres shall be drawn at a scale of one inch equals no more than fifty (50) feet; for tracts of twenty (20) acres or more, plans shall be drawn at a scale of one inch equals no more than two hundred (200) feet. Plans shall be submitted on the following sheet sizes: 22" x 34", 24" x 36", 30" x 42", 36" x 42" or 36" x 48". All lettering shall be drawn to a size to be legible if the plans are reduced to half size. All sheets comprising a submission shall be on one size.
  - b) The name of the proposed development and the name and address of the owner of the property and the individual or firm preparing the plan.
  - c) Date of submission and revision, graphic scale, and North arrow.
  - d) Total tract boundary with distances marked to the nearest foot and bearings to the nearest degree and the total acreage of the tract.
  - e) Key map (drawn to scale) showing all existing natural and man-made features beyond the property boundary affected by the project and the extent of the watershed or sub-basin which drains through the project site for 1,000 feet or as specified by the City of Scranton.
  - f) Existing and proposed topographic contours shall be provided at intervals not greater than five (5) feet for existing and proposed conditions. Topographic contours at intervals less than five (5) feet may be required for flat sites, and to depict certain existing and future stormwater management features. The reference datum used to develop topographic contours shall be stated on the plans.
  - g) Existing and proposed use, including the total area of impervious surfaces after construction.
  - h) Location and selected plant material used for vegetative filter paths to sinkholes, stream buffers, buffer yards, wetlands, streams, and other waters of the Commonwealth, and the location of all notices to be posted, as specified in this Ordinance.
  - i) If stormwater management facilities are off-site, a note on the plan referring to location and agreements indicating responsibility for conveyance to and maintenance of the facilities; all such off-site facilities shall meet the design

standards and criteria specified in this Ordinance, and details of the facilities shall be included with the plan.

#### Section 402. Plan Submission

- A. Two hard (2) copies and one electronic (PDF or other format approved by the City of Scranton) of the SWM Site Plan shall be submitted to the City of Scranton or Ordinance Administrator for distribution to the Municipal Engineer, and other agencies as applicable.
  - 1. Distribution to the County Conservation District, County Planning Commission, and other agencies is the responsibility of the applicant.
- B. Additional copies shall be submitted as requested by the City of Scranton, Ordinance Administrator or DEP.

#### Section 403. Plan Review

- A. The SWM Site Plan shall be reviewed by a Qualified Professional for the City of Scranton for consistency with the provisions of this ordinance. After review, the Qualified Professional shall provide a written recommendation for the City of Scranton to approve or disapprove the SWM Site Plan. If it is recommended to disapprove the SWM Site Plan, the Qualified Professional shall state the reasons for the disapproval in writing. The Qualified Professional also may recommend approval of the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. The SWM Site Plan review and recommendations shall be completed within the time allowed by the Municipalities Planning Code for reviewing subdivision plans.
- B. The City of Scranton shall notify the applicant in writing within 45 calendar days whether the SWM Site Plan is approved or disapproved. If the SWM Plan involves a Subdivision or Land Development Plan, the notification period is 90 days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the City of Scranton. If the City of Scranton disapproves the SWM Plan, the City of Scranton shall cite the reasons for disapproval in writing.
- C. The City of Scranton's approval of a SWM Site Plan shall be valid for a period not to exceed five (5) years. This five-year time period shall commence on the date that the City of Scranton signs the approved SWM Site Plan. If stormwater management facilities included in the approved SWM Site Plan have not been constructed, or if an as-built survey (if required) of these facilities has not been approved within this five-year time period, then the City of Scranton may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the City of Scranton shall be resubmitted in accordance with Section 405 of this Ordinance. The five year time

period may be renewed for a single five year term upon request of the applicant if there have been no adopted or pending revisions to the SWM Ordinance.

- D. A SWM Site Plan may be adjusted, revised and resubmitted in accordance with above.
- E. Failure of the City of Scranton or Ordinance Administrator to render a decision and communicate it to the Applicant within 90 days (except when a plan is being reviewed concurrently with another development approval), in which case the time limit for the concurrent development permit shall apply, shall be deemed an approval of the Plan.

#### Section 404. Modification of Plans

A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or re-design of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the City of Scranton, shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

#### Section 405. Resubmission of Disapproved Stormwater Management Site Plans

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the City of Scranton's concerns, to the City of Scranton in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

#### Section 406. Authorization to Construct and Term of Validity

The City of Scranton's approval of a SWM Site Plan authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five years following the date of approval unless otherwise authorized by the City of Scranton. The City of Scranton may specify a term of validity shorter than five years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the City of Scranton signs the approval for a SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the City of Scranton may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the City of Scranton shall be resubmitted in accordance with Section 405 of this Ordinance.

## Section 407. As-Built Plans, Completion Certificate and Final Inspection

- A. The Developer shall be responsible for completing an as-built plan(s) of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the City of Scranton.
  
- B. The as-built submission shall include a certification of completion signed by a Qualified Professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed Qualified Professionals contributed to the construction plans, then a licensed Qualified Professional must sign the completion certificate.
  
- C. After receipt of the completion certification by the City of Scranton, the City of Scranton may conduct a final inspection.

## ARTICLE V - OPERATION AND MAINTENANCE

### Section 501. Responsibilities of Developers and Landowners

- A. The City of Scranton shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The City of Scranton may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the City of Scranton will accept the facilities. The City of Scranton reserves the right to accept the ownership and operating responsibility for any or the entire stormwater management controls.
- B. Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The Operation and Maintenance Plan shall be recorded as a restrictive deed covenant that runs with the land.

### Section 502. Operation and Maintenance Agreements

The owner is responsible for Operation and Maintenance of the SWM BMPs. If the owner fails to adhere to the Operation and Maintenance Agreement, the City of Scranton may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property.

Each stormwater management plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management, and erosion and sediment control facilities. Including:

- A. Description of Maintenance Requirements.
- B. Establishment of suitable easements for access to all facilities by Public Officials, in accordance with this Article.
- C. Municipalities are exempt from the requirement to sign and record an Operation and Maintenance Agreement
- D. Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management, and erosion and sediment pollution control facilities. In meeting this requirement, the following options are hereby provided for upon approval by the City of Scranton.

Facilities may be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restriction. A description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.

Ownership and maintenance may be the responsibility of a Property Owners Association. The stated responsibilities of the Property Owners Association in terms of owning and maintaining the stormwater management facilities shall be submitted with final plans for determination of their adequacy, and upon their approval shall be recorded with the approved subdivision plan among the deed records of Lackawanna County, Pennsylvania. In addition, the approved subdivision plan and any deed written from said plan for a lot or lots shown herein shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of said Property Owners Association.

For stormwater management facilities that are proposed as part of the site development plan, the applicant will be required to execute a developer agreement and a maintenance agreement with the City of Scranton for the construction and continued maintenance of the facilities prior to the signature approval on the final plan. Access for inspection by the City of Scranton of all such facilities deemed critical to the public welfare at any reasonable time shall be provided.

In the event the City of Scranton accepts dedication of the facilities constructed in accordance with this Ordinance. As a condition of City of Scranton acceptance of said facilities, the applicant shall provide fifteen (15) percent of the cost of improvements, in the form of a maintenance bond, as estimated by the applicant's qualified professional, and approved by the City of Scranton, to cover contingency maintenance costs for eighteen (18) months from the date of stormwater management facilities acceptance of dedication. The fifteen (15) percent bond shall be based on the construction costs of the detention basin and outlet structure within the area dedicated to the City of Scranton. Also, the City of Scranton may require the developer to make a lump sum payment to defer future maintenance costs. Said payment amount shall be negotiated and deposited in a Special City Account for maintenance costs of the dedicated facility only.

## ARTICLE VI - FEES AND EXPENSES

### Section 601. General

1. The City of Scranton may include all costs incurred in the review fee charged to an applicant.

The review fee may include but not be limited to costs for the following:

- A. Administrative/clerical processing.
  - B. Review of the SWM Site Plan.
  - C. Attendance at meetings.
  - D. Inspections.
2. The Review Fee shall be set by Resolution of the Council of the City of Scranton and may be amended by Resolution of the Council of the City of Scranton.



## ARTICLE VII - PROHIBITIONS

### Section 701. Prohibited Discharges and Connections

- A. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into surface Waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in subsection C below, and (2) discharges allowed under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors to pollution to the Waters of this Commonwealth:

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

- D. In the event that the City of Scranton or DEP determines that any of the discharges identified in Subsection 701.C, significantly contribute to pollution of the Waters of this Commonwealth, the City of Scranton or DEP will notify the responsible person(s) to cease the discharge.

### Section 702. Roof Drains

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs to the maximum extent practicable and in no case shall discharge into any sanitary or combined sanitary/storm sewer system.

### Section 703. Alteration of SWM BMPs

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures, without the prior written approval of the City of Scranton.

## ARTICLE VIII - ENFORCEMENTS AND PENALTIES

### Section 801. Right-of-Entry

Upon presentation of proper credentials, the City of Scranton may enter at reasonable times upon any property within the City of Scranton to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

### Section 802. Inspection

SWM BMPs should be inspected by the landowner, or the owner's designee (including City of Scranton for dedicated and owned facilities) according to the following list of minimum frequencies:

1. Quarterly for the first 3 years.
2. Bi-annually thereafter,
3. During or immediately after the cessation of a significant ( $\geq 2$ " of rainfall in a 24 hour period) storm event.

### Section 803. Enforcement

- A. It shall be unlawful for a person to undertake any Regulated Activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 302.
- B. It shall be unlawful to violate Section 703 of this Ordinance or to alter or remove any control structure required by the SWM Site Plan.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the City of Scranton. (this does not relieve the landowner of their obligation to inspect and maintain their facilities)
- D. If the City of Scranton determines at any time that any permanent stormwater management facility has been eliminated, altered, or improperly maintained, the City of Scranton shall advise the responsible party of required corrective measures, and shall provide said responsible party with a specific time to implement the required corrective measures. If such action is not taken by the property owner, the City of Scranton may cause the work to be done and back-charge all costs to the property owners in accordance with this Ordinance.

### 804. Suspensions and Revocation

- A. Any approval or permit issued may be suspended or revoked by the City of Scranton for:

1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation and Maintenance Agreement.
  2. A violation of any provision of this Ordinance or any other applicable law, Ordinance, rule or regulation relating to the Regulated Activity.
  3. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval may be reinstated by the City of Scranton when:
1. The City of Scranton has inspected and approved the corrections to the violations that caused the suspension.
  2. The City of Scranton is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the City of Scranton cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City of Scranton shall provide a reasonable timeframe for the owner to correct the violation. In these cases, the City of Scranton will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the City of Scranton may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

## Section 805. Penalties

Any person who fails to comply with this Ordinance within the period stated in the notice of the designated municipal representative shall, upon conviction thereof, be guilty of a summary offense, and shall be sentenced to pay a penalty of not more than three-hundred dollars (\$300.00). Each and every day of continued violation and of each specific violation shall constitute a separate violation.

- A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Municipal Representative, the City of Scranton may take any actions necessary to remove the public nuisance. The costs of removal of the violation shall be in addition to any penalties for violations for failure to comply.
- B. In addition to the fines for violations, costs, and penalties provided for by this Article, the City of Scranton may institute proceedings in Courts of Equity to require owner and/or occupants of real estate to comply with the provision of this Ordinance.

- C. The cost of removal, fine, and penalties hereinabove mentioned may be entered by the City of Scranton as a lien against such property, or properties of individual members of a Property Owners Association, in accordance with existing provisions of law.

## Section 806. Appeals

- A. Any person aggrieved by any action of the City of Scranton or its designee, relevant to the provisions of this Ordinance, may appeal to the City Planning Commission within thirty (30) days of that action.
- B. The City Planning Commission may grant an appeal to modify the requirements of one or more provisions if the application of this ordinance will exact undue hardship due to peculiar conditions pertaining to the land in question, providing such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
  - 1. All requests to the City Planning Commission shall be in writing. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance, and the minimum modification necessary.
- C. Any person aggrieved by any decision of the City of Scranton, relevant to the provisions of this Ordinance, may appeal to the County Court Of Common Pleas in the county where the activity has taken place within thirty (30) days of the City of Scranton's decision.

## ARTICLE IX - REFERENCES

1. Pennsylvania Department of Environmental Protection (DEP). No. 363-0300-002 (2006), as amended and updated. *Pennsylvania Stormwater Best Management Practices Manual*. Harrisburg, PA.
2. The Pennsylvania Department of Environmental Protection (DEP). 363-2134-008 (2000), as amended and updated. *Erosion and Sediment Pollution Control Program Manual*. Harrisburg, PA.
3. United States Department of Agriculture (USDA), National Resources Conservation Service (NRCS). *National Engineering Handbook*. Part 630: Hydrology, 1969-2001. Originally published as the *National Engineering Handbook*, Section 4: Hydrology. Available online at: <http://www.wcc.nrcs.usda.gov/hydro/hydro-techref-neh-630.html>.
4. United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). 1986. *Technical Release 55: Urban Hydrology for Small Watersheds*, 2nd Edition. Washington, D.C.
5. US Department of Commerce (USDC), National Oceanic and Atmospheric Administration (NOAA), National Weather Service (NWS), Hydrometeorological Design Studies Center. 2004-2006. *Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2*, Silver Spring, Maryland, 20910. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
6. United States Department of Department of Transportation (US DOT), Federal Highway Administration (FHA). 2001. Hydraulic Engineering Circular Number 22 (HEC-22), *Urban Drainage Design Manual*.
7. PennDOT Drainage Manual, Publication Number 13, DM-2, Chapter 10, as amended.
8. Commonwealth of Pennsylvania, *Storm Water Management Act No. 167*.

APPENDIX A

**OPERATION AND MAINTENANCE AGREEMENT**  
**STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMP)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between \_\_\_\_\_, (hereinafter the “Landowner”), and \_\_\_\_\_, Lackawanna County, Pennsylvania, (hereinafter “ City of Scranton”);

WITNESSETH

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

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

**WHEREAS**, the SWM BMP Operation and Maintenance Plan approved by the City of Scranton (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 City of Scranton, provides for management of stormwater within the confines of the Property through the use of BMPs; and

**WHEREAS**, the City of Scranton, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the City of Scranton and the protection and maintenance of water quality require that on-site stormwater BMP be constructed and maintained on the Property; and

**WHEREAS**, the City of Scranton requires, through the implementation of the SWM Site Plan, that SWM BMP’s 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.

**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 Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the City of Scranton, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the City of Scranton shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the City of Scranton 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 City of Scranton to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the City of Scranton 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 City of Scranton.
5. In the event the City of Scranton, 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 City of Scranton for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the City of Scranton.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or affect 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, shall release the City of Scranton 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 City of Scranton.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Lackawanna 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 City of Scranton:

\_\_\_\_\_

(SEAL)

For the Landowner:

\_\_\_\_\_

ATTEST:

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

County of Lackawanna, 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)**



APPENDIX B

## **Stormwater Management Plan (SMP) Requirements**

<b>Plan Requirement</b>	<b>Impervious Area*</b>	<b>Disturbed Area*</b>	<b>References</b>
<b>Exempt</b>	<b>&lt;5,000 sq. ft.</b>	<b>&lt;5,000 sq. ft.</b>	<b>Section 302.A.</b>
<b>SMP</b>	<b>5,000 sq. ft. or greater</b>	<b>5,000 sq. ft. or greater</b>	<b>Article IV</b>

\* The measurement of impervious or disturbed areas shall include all of the impervious or disturbed areas in the total proposed development even if development is to take place in stages (Section 301.F.)

## APPENDIX C

### **METHODOLOGY RAINFALL INSTENSITY PRECIPITATION ESTIMATES CURVE NUMBERS ROUGHNESS COEFFICENTS RUNOFF COEFFICENTS**

#### Methodology

- Two (2) methods may be used for stormwater calculations:
  - 1.) SCS (NRCS) Technical Release 55 – Urban Hydrology for Small Watersheds, Type II 24 Hour Duration Storm Event
  - 2.) Rational Equation
- Both methods are acceptable when calculating peak runoff rates for pipe and channel design. However, when routing calculations are required for detention/retention/infiltration systems, the SCS (NRCS) Technical Release 55 – Urban Hydrology for Small Watersheds shall be used.
- Other stormwater calculation methods may be acceptable at the discretion of the City Engineer.

#### RAINFALL INSTENSITY

- When using the Rational Equation, the methods presented in the PennDOT Drainage Manual, Publication 13, DM-2, Chapter 10 and PADEP Erosion and Sediment Pollution Control Program Manual, March 2012 shall be utilized to obtain the Rainfall Intensity (I) and Time of Concentration (Tc).

#### PRECIPITATION ESTIMATES

<b>PRECIPITATION FREQUENCY ESTIMATES</b>							
<b>Duration</b>	<b>1yr</b>	<b>2yr</b>	<b>5yr</b>	<b>10yr</b>	<b>25yr</b>	<b>50yr</b>	<b>100yr</b>
<b>24-hr:</b>	<b>2.12</b>	<b>2.55</b>	<b>3.15</b>	<b>3.69</b>	<b>4.55</b>	<b>5.35</b>	<b>6.30</b>

- Rainfall Data may also be obtained from the National Weather Service's website: [http://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=pa](http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=pa)

#### CURVE NUMBERS

- Curve Numbers shall be obtained from the TR-55, Urban Hydrology for Small Watersheds Manual, United States Department of Agriculture.

ROUGHNESS COEFFICIENT

ROUGHNESS COEFFICIENT FOR SHEET FLOW Tc COMPUTATIONS	
N (ROUGHNESS COEFFICIENT)	TYPE OF COVER
0.02	SMOOTH PAVEMENT
0.10	BARE PACKED SOIL
0.15	SHORT GRASS COVER
0.25	DENSE GRASS COVER
0.40	WOODS (LIGHT UNDERBRUSH)
0.80	WOODS (DENSE UNDERBRUSH)

RUNOFF COEFFICIENTS

RATIONAL RUNOFF COEFFICIENTS				
LAND USE DESCRIPTION	HYDROLOGIC SOIL GROUP			
	A	B	C	D
Cultivated Land	0.22	0.28	0.34	0.41
Pasture or Rangeland	0.37	0.45	0.52	0.62
Meadow	0.16	0.22	0.28	0.30
Forest	0.14	0.18	0.20	0.25
Open space / Grass Areas	0.20	0.26	0.32	0.39
Residential:				
1/8 Acre Lots & Smaller	0.40	0.44	0.49	0.54
1/4 Acre Lots & Smaller	0.37	0.42	0.47	0.52
1/3 Acre Lots & Smaller	0.35	0.39	0.45	0.50
1/2 Acre Lots & Smaller	0.32	0.36	0.42	0.48
1 Acre Lots & Smaller	0.29	0.34	0.40	0.46
Gravel	0.57	0.76	0.84	0.88
Impervious (Streets, Parking, Roofs, etc.)	0.97	0.97	0.97	0.97

