

3. Design infiltration facility for required storm volume based on all available data.
 4. The infiltration requirement in the High Quality/Exceptional Waters shall be subject to the Department's Chapter 93 and Anti-degradation Regulations.
 5. A double ring infiltrometer test shall be used for all infiltration tests in accordance with the current edition of the BMP Manual.
- T. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum twenty-five (25) foot separation from On Lot Disposal Systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the municipality on a case by case basis. However, the separation shall not be less than the PADEP required ten (10) feet.

Section 307: Regulations Governing Stormwater Management Facilities

- A. Any stormwater facility located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- B. 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 Developer 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.
- C. Any stormwater management facility located within the vicinity of a Floodplain shall be subject to approval in accordance with PA DEP 25 PA Code Chapter 106 (Floodplain Management) of PA DEP's Rules and Regulations.
- D. All earthmoving activities must be reviewed and approved by the Adams County Conservation District prior to commencing work.
- E. The design of all stormwater management facilities shall incorporate good engineering principles and practices. The Township shall reserve the right to disapprove any design that would result in the occupancy or continuation of adverse hydrologic or hydraulic conditions within the watershed.
- F. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.
- G. 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 Developer 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.

- H. 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, maintaining of vegetation in a natural state within the easement shall be required, except as approved by the appropriate governing authority.
- I. When it can be shown that, due to topographic conditions, natural conveyance facilities 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 conveyance facilities 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.
- J. Special requirements for areas falling within defined Exceptional Value and High Quality Sub watersheds: The temperature and quality of water and streams that have been declared as exceptional value and high quality is to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMP's and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMP's is to be established and recorded for all development sites within defined Exceptional Value and/or High Quality Sub watersheds.

Section 308: Calculation Methodology

- A. Stormwater runoff hydrographs/peak rates shall be calculated in the following manner:
 - 1. For the purpose of considering peak flows with a fully developed runoff hydrograph, the Soil Cover Complex Method-TR-20 or TR-55 and a 24 hour rainfall event shall be used with the appropriate design rainfall depths. A dynamic or interconnected model is required for modeling of multiple drainage or sub-areas. The SCS Rainfall Type II curve or local Precipitation Frequency Data shall be used for the rainfall distribution. The Township may allow the use of other methodologies on a case by case basis as approved prior to design submittal.
 - 2. Times-of-concentration shall be calculated using the methodology presented in Chapter 3

of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS).

3. The design storm volumes to be used in the analysis of peak rates of discharge shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, as amended and updated, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydro meteorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
4. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex method shall be obtained from Appendix C Table 1.
5. The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities, using either manual methods or computerized routing. Routing shall be based upon the modified PULS method; other routing methodologies shall be subject to the approval of the Township Engineer.

B. Conveyance Facilities shall be designed in the following manner:

1. All storm drain systems, streets, and inlets (excluding detention and retention basin outfall structures) shall be designed for a 10-year storm event. Sole access structures (culverts and bridges) shall be designed to convey the 25-year flood without overtopping the roadway.
 - a. When a pipe or culvert is intended to convey to or pass the discharge from a stormwater management facility, its required capacity shall be computed using the methodology considered for the stormwater management facility design as part of a dynamic model.
 - b. Greater design frequencies may be justified on individual projects.
 - c. A 100-year storm frequency may be required for design of the stormwater collection system to insure that the resultant stormwater runoff from the post-development storm is directed into the management facility.
 - d. If the Rational Method is used for calculating peak flows, conveyance facilities 30" diameter or less shall use a time of concentration of 5 minutes for the contributing drainage area shall be considered for the design.
2. In general, inlets shall be spaced such that, based upon the Rational Method, $t_c = 5$ min. and 10-year rainfall intensity, the area contributing to the inlet shall not produce a peak runoff of greater than 4 cfs. Also, inlets shall be spaced so that their efficiency, based upon efficiency curves published by the Pennsylvania Department of Transportation, is not less than 65%.

3. The Rational Method may be used for stormwater collection and conveyance facilities provided the facilities are part of an integrated SWM facility requiring modeling using SCS Modeling. Rainfall intensities shall be consistent with appropriate times-of-concentration and return periods.
4. Runoff Coefficients (C) for use with the Rational Method shall be obtained from Appendix C Table 2.
5. Existing and proposed channels or swales must be able to convey the increased runoff associated with a proposed 100-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the PA DEP *Erosion and Sediment Pollution Control Program Manual*.
6. Existing natural or man-made channels or swales must be able to convey proposed 100-year return period runoff without creating any hazard to persons or property.
7. Stormwater runoff on roadways (i.e. gutter spread, lane encroachment, etc.) shall be controlled in accordance with PennDOT Publications 13M, "Design Manual, Part 2" and 584, "Drainage Manual".
8. In all cases where drainage is picked up by means of a headwall, the pipe shall be designed as a culvert. Inlet and outlet conditions shall be analyzed. The minimum diameter of a culvert shall be 18 inches. The procedure contained in Hydraulic Engineer Circulars No. 5 and No. 13, as prepared by the U. S. Department of Transportation, Federal Highway Administration, Washington, D.C., shall be used for the design of culverts. All culverts shall include concrete headwalls and endwalls.

Section 309: Carbonate Geology

In areas of carbonate geology, a geologist shall certify to the following:

- A. No stormwater management facility will be placed in, over, or immediately adjacent to the following features:
 1. Closer than 100 feet from sinkholes
 2. Closer than 100 feet from closed depressions
 3. Closer than 100 feet from caverns, intermittent lakes, or ephemeral streams
 4. Closer than 50 feet from lineaments in carbonate areas
 5. Closer than 50 feet from fracture traces
 6. Closer than 25 feet from bedrock pinnacles (surface or subsurface)
- B. Stormwater resulting from regulated activities shall not be discharged into sinkholes.

- C. If the developer can prove through analysis that the project site is an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formations, then the project site is exempt from volume requirements as described in Section 303, Volume Control. However, the project site shall still be required to meet all other standards found in this Ordinance.
- D. It shall be the developer's responsibility to verify if the project site is underlain by carbonate geology. The following note shall be attached to all stormwater management plans and signed and sealed by the developer's geologist: "I, _____, certify that the proposed stormwater management facility (circle one) is / is not underlain by carbonate geology."
- E. Whenever a stormwater management facility will be located in an area underlain by carbonate geology, a geological evaluation of the proposed location by a qualified licensed professional shall be conducted to determine susceptibility to sinkhole formation and the possibility of groundwater contamination from the facility.

Section 310: Riparian Buffers / Riparian Forest Buffers

Where an applicant proposes to utilize riparian buffers as the means to meet the requirements of this Ordinance, said riparian buffers shall be established and /or maintained in accordance with the BMP Manual or the publication *Riparian Forest Buffer Guidance*, published November, 2010 by the Pennsylvania Department of Environmental Protection, and as may be amended or updated.

Section 311: Prohibited Discharges and Connections

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the waters of the Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into surface waters of the 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 the Commonwealth:

- Discharges from firefighting 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	- De-chlorinated 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)
- Diverted stream flows	- Water discharged in well testing for potable water supplies

D. In the event that Hamiltonban Township or DEP determines that any of the discharges identified in Subsection C significantly contribute to pollution of the waters of the Commonwealth, Hamiltonban Township or DEP will notify the responsible person(s) to cease the discharge.

Section 312: Alteration of Stormwater BMPs

No person shall modify, remove, fill, landscape, or alter any Stormwater BMPs, facilities, areas, or structures in a manner, without the written approval of Hamiltonban Township, with the exception of necessary maintenance activities such as mowing.

ARTICLE IV – STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

Section 401: SWM Site Plan Submission

- A. When a property owner or developer proposes a Regulated Activity, said property owner or developer shall submit a SWM Site Plan to demonstrate compliance with the stormwater management provisions of this Ordinance. Said submission shall be required by Hamiltonban Township unless said Regulated Activity is exempted from SWM Site Plan submission in accordance with the exemption criteria and exemption approval process established in Section 302 of this Ordinance. Where Hamiltonban Township determines that the property owner or developer proposing the Regulated Activity is eligible to employ the process established in the Simplified Approach (see Appendix D) to address the stormwater management needs of a site, the submission of the required documentation from said Manual shall substitute for the SWM Site Plan requirements of this Article.
- B. Copies of the SWM Site Plan shall be distributed as follows:
 - 1. Two (2) copies to Hamiltonban Township.
 - 2. One (1) copy to the Hamiltonban Township Engineer, when applicable.
 - 3. One (1) copy to the Adams County Conservation District (if an NPDES permit is required).
 - 4. One (1) copy to the Adams County Office of Planning and Development (only if submitted as a component of a subdivision and land development plan in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance).
- C. Additional copies shall be submitted as requested by Hamiltonban Township.
- D. The property owner or developer shall submit a review fee in accordance with Article VI. Payment of the required fee shall be considered a component of the SWM Site Plan submission. The SWM Site Plan submission shall not be considered to be complete until such time that any required fee is paid.

Section 402: SWM Site Plan and Narrative Requirements

- A. Site Plan Requirements:

The SWM Site Plan shall include the following information. Where the Regulated Activity for which a SWM Site Plan is being submitted is also subject to subdivision and/or land development plan review in accordance with the Hamiltonban Township Subdivision and Land Development Ordinance, the SWM Site Plan shall be submitted as a component of the subdivision or land development plan submission for the project and shall include the following information. Where the submission requirements of this section conflict with the submission requirements of the Hamiltonban Township Subdivision and Land Development Ordinance, the submission requirements of this Ordinance shall control. The plan sheets shall be titled “Post Construction Stormwater Management or PCSM.”

1. The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the SWM Site Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or responsible for any aspect of the SWM Site Plan.
2. The overall stormwater management concept for the project including any additional information required for a PCSM Plan as applicable (all items required per NPDES Permit Checklist).
3. A summary table listing existing and proposed discharge points' identification, acreage, storm event frequency, and runoff flows/discharges.
4. A determination of site conditions (existing and proposed) in accordance with the Site Assessment procedures outlined in Chapter 4 of the most current version of the Pennsylvania Stormwater Best Management Practices Manual. A site assessment shall be completed for projects proposed in areas of carbonate geology or karst topography.
5. Drainage area maps with outlines of existing and proposed drainage areas and subareas and the paths for calculating the times of concentration. Where offsite and/or site area outside of the Regulated Activity area flows are considered in calculations, drainage areas for conditions as described shall be denoted in a manner such that pre to post conditions for the Regulated Activity area (not including offsite and/or areas outside of the Regulated Activity area) may be compared.
6. For drainage models where multiple drainage areas or sub areas are considered, a dynamic or interconnected model shall be prepared.
7. A graphic and written plan scale of one (1) inch equals no more than fifty (50) feet. For parcels of twenty (20) acres or more, the scale shall be one (1) inch equals no more than one-hundred (100) feet.
8. North point (arrow).
9. Existing and proposed property boundaries. In the case of a land development plan on a large tract, the property boundary does not need to be shown in entirety at the full drawing scale. The entire tract is required to be shown in the site location map.
10. Project location map at a minimum of one (1) inch equals two-thousand (2,000) feet showing the project site property line, limits of development, streets, street names, and bodies of water within two-thousand (2,000) feet of the property boundary.
11. Existing and proposed land use within the parcel plus existing land use on the first twenty-five (25) feet of parcels surrounding the subject parcel.

12. The location of existing and proposed utilities, stormwater facilities, sanitary sewers, water lines, wells, on-lot wastewater facilities and all easements within the parcel plus the location of said features on the first twenty-five (25) feet of parcels surrounding the subject parcel.
13. Significant physical features and associated boundary limits, including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
14. Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
15. The location of the parcel relative to streets, municipal boundaries, and other significant manmade features within twenty-five (25) feet of the parcel.
16. A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields, and wellhead protection zones.
17. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary, to demonstrate compliance with the requirements of this Ordinance.
18. A hydro geologic assessment of the effects of stormwater runoff on sinkholes, where present.
19. A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
20. Plan and profile (horizontal and vertical as required) drawings of all Stormwater BMPs, including drainage structures, pipes, open channels, and swales, etc.
21. Proposed changes to the land surface and vegetative cover and the type and amount of existing and proposed impervious area. Provide a drawing legend of unidentified or existing and proposed features.
22. Existing and final contours at minimum intervals of two (2) feet. In areas of slopes in excess of fifteen percent (15%), five (5) foot contour intervals may be used.
23. Provide drainage flow pathways and defined drainage areas on the construction plan.
24. Clearly shown existing and proposed drainage patterns, existing and proposed elevation contours at intervals of at least one foot for plans at scale of one inch equal to 10 or 20 feet, at least two feet for all other scales. Where land is sloped more than 20%, contour intervals may be every five feet. Show spot elevations at high points

and low points and critical areas which cannot be interpolated between contours. Indicate the location and elevation of the benchmark. Provide the date the existing topography was surveyed and the method of survey (aerial or field).

25. A map showing all existing manmade features beyond the subject parcel's boundary lines that may be affected by the proposed Regulated Activities.
26. Expected project time schedule.
27. An E&S plan, where applicable, as approved by the Adams County Conservation District or DEP. Indicate limits of phases and include a narrative of the construction sequence.
28. An NPDES Permit application, including all PCSM Requirements, where applicable, as administratively reviewed and approved by the Adams County Conservation District.
29. Outline of soil type limits and list soil types as shown in the Soil Survey of Cumberland County. Provide a table listing the following information for the applicable on-site soil types:
 - (a) Soil map symbol (soil name abbreviation);
 - (b) Soil name, applicable building site restrictions (Soil Survey Table 7);
 - (c) Applicable sanitary facilities restrictions (Soil Survey Table 8);
 - (d) Applicable construction materials restrictions (Soil Survey Table 9);
 - (e) Applicable water management restrictions (Soil Survey Table 10); and
 - (f) Hydrologic Soil Group, flooding and high water table information (Soil Survey Table 15).
30. Construction details, sections, and specifications of facilities with sufficient information and dimensions so that they can be built to meet the requirements of this Chapter. Provide a note which states the materials and details specified shall not be altered during construction without written approval by the municipality.
31. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities.
32. Provisions for permanent access or maintenance easements for all physical Stormwater BMPs, as necessary to implement the O&M Plan.
33. A note on the SWM Site Plan indicating the location, and responsibility for maintenance of, Stormwater BMPs and/or easements that would be located on adjoining properties as a result of proposed Regulated Activities, and the location of such facilities and/or easements.

34. The following signature block shall be provided:

(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 Hamiltonban Township Stormwater Management Ordinance, Ordinance No. *(number assigned to the Ordinance)*.

B. Design Narrative Content

1. The stormwater management design narrative shall contain the following: An introductory section describing the existing site and drainage area features, the existing points of discharge from the site, proposed site improvements, description of major drainage improvements and how they impact downstream areas. Identify any unusual existing conditions at the site that affect the existing stormwater drainage. Provide a statement of who visited the site and the date or dates of the site visit of both on-site and downstream facilities.
2. A summary table listing existing and proposed discharge points' identification, acreage, storm event frequency, and runoff flows/discharges.
3. Drainage area maps with outlines of existing and proposed drainage areas and subareas and the paths for calculating the times of concentration (alternate is to show this information in the plan).
4. Existing and proposed stormwater detailed calculations of runoff, facility designs, and erosion and sedimentation control designs. Hydrologic and hydraulic calculations of all existing and proposed infrastructure and improvements.
5. Areas which are subject to flooding shall have a floodplain study provided in the narrative which meets the requirements of 402.B of this Chapter and Ordinance 2009-01 Hamiltonban Township Floodplain Management Ordinance of 2009.
6. The design narrative shall be signed and sealed by a registered professional engineer qualified to perform such duties.

Section 403: SWM Site Plan Review and Approval Procedure

- A. Pre-Application Meeting: Prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with Hamiltonban Township to discuss the plan concept and responsibility for submission of required documents and information. If the project requires an E&S plan or an NPDES permit, the applicant is encouraged to meet with a staff member of the Adams County Conservation District as well.
- B. SWM Site Plan Review and Approval Procedure:
 1. If a SWM Site Plan is not submitted as a component of a subdivision and/or land development plan, the review of the SWM Site Plan, recommendations, approval,

approval with conditions, or disapproval shall occur within sixty (60) calendar days of submission to Hamiltonban Township. Where the applicant submits revisions to a previously submitted SWM Site Plan, either because the applicant has elected to revise the SWM Site Plan or as a result of a determination by Hamiltonban Township that a revision is necessary to meet the requirements of this Ordinance, this sixty (60) day period shall be restarted. Should Hamiltonban Township fail to render a decision on the SWM Site Plan within this sixty (60) day time period, the application shall be deemed approved. The review process shall include the following components.

- a. Upon receipt, the official accepting the SWM Site Plan shall forward a copy of the Plan to the entities referenced in Section 401.B. The official accepting the SWM Site Plan shall also cause the application to be included on the agenda for the next available meeting of the Hamiltonban Township Planning Commission.
 - b. The Hamiltonban Township engineer shall review the SWM Site Plan for compliance with the requirements of this Ordinance, and shall communicate his review to the Hamiltonban Township Planning Commission and the Hamiltonban Township Supervisors.
 - c. The Hamiltonban Township Planning Commission shall review the application and the review of the Hamiltonban Township engineer at its next available meeting. The Planning Commission shall provide a recommendation regarding the SWM Site Plan in writing to the Hamiltonban Township Supervisors.
 - d. The Hamiltonban Township Supervisors shall consider the SWM Site Plan, the Hamiltonban Township engineer's review, and the recommendation of the Hamiltonban Township Planning Commission at its next available meeting. Following review of this information, the Hamiltonban Township Supervisors shall approve, approve with conditions, or disapprove the SWM Site Plan.
 - e. Decision Notification Procedure: In all cases, the decision of the Hamiltonban Township Supervisors to approve, approve with conditions, or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than fifteen (15) days following the decision. If the SWM Site Plan is disapproved, the written decision by the Hamiltonban Township Supervisors shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the timeline limit for satisfying such conditions.
2. If a SWM Site Plan is submitted as a component of a subdivision and/or land development plan, the SWM Site Plan shall be reviewed in accordance with the review process and time frame established in the Hamiltonban Township Subdivision and Land Development Ordinance and in accordance with Section 508 of the Pennsylvania Municipalities Planning Code.

3. NPDES Permit Technical Coordination: Where the project for which a SWM Site Plan is submitted is subject to NPDES permitting, Hamiltonban Township shall notify the Adams County Conservation District when the applicant has achieved technical compliance with the requirements of this Ordinance. Hamiltonban Township may address this requirement through the completion of the Technical Review Checklist for NPDES Sites in Appendix D or comparable process as determined by Hamiltonban Township. Upon receipt of this notification, the Adams County Conservation District will acknowledge a General NPDES permit. In the case of an Individual NPDES permit, the Adams County Conservation District will coordinate municipal reviews with the DEP Regional Office.
4. NPDES Permits and E&S Plans: Where the project for which a SWM Site Plan is submitted is subject to NPDES permitting or the submission of an E&S Plan, or both, any final approval of the SWM Site Plan by Hamiltonban Township shall be conditioned on the applicant's receipt of the required NPDES Permit or E&S Plan approval, as appropriate.
5. Decision Notification Procedure: In all cases, the decision of the Hamiltonban Township Supervisors to approve, approve with conditions, or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than fifteen (15) calendar days following the decision. If the SWM Site Plan is disapproved, the written decision by the Hamiltonban Township Supervisors shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. Should Hamiltonban Township fail to notify the applicant of the decision within this fifteen (15) calendar day period, the application shall be deemed approved.

C. Waiver Requests:

1. If a SWM Site Plan is not submitted as a component of a subdivision and/or land development plan, the Hamiltonban Township Supervisors may accept a request for waiver of one or more of the requirements of this Ordinance. Any such waiver requests shall comply with the following requirements.
 - a. The Hamiltonban Township Supervisors may accept a request for waiver of the requirements of one or more provisions of this Ordinance if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that the Hamiltonban Township Supervisors determines that such waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
 - b. All requests for waivers from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM Site Plan. The request shall state in full the grounds and facts of unreasonableness or hardship on

which the request is based, the provision or provisions of the Ordinance involved, and the minimum waiver necessary to afford relief.

- c. The Hamiltonban Township Supervisors shall act to accept or reject requests for waivers within the context of its SWM Site Plan decision-making process established in Section 403.B.1 of this Ordinance. The decision of the Hamiltonban Township Supervisors regarding acceptance of each request for waiver shall be incorporated into the written decision of the Hamiltonban Township Supervisors for the overall SWM Site Plan as required in Section 403.B.3 of this Ordinance. The Hamiltonban Township Supervisors shall keep a written record of all action on requests for waivers.
2. If a SWM Site Plan is submitted as a component of a subdivision and land development plan, requests for waiver to obtain relief from one or more of the requirements of this Ordinance shall be handled in accordance with the modification process established in the Hamiltonban Township Subdivision and Land Development Ordinance and Section 512.1 of the Pennsylvania Municipalities Planning Code.
3. The final decision to approve or disapprove all accepted requests for waiver shall be made in accordance with Section 301.L.

Section 404: Revision of SWM Site Plans

- A. SWM Site Plan not Submitted as a Component of a Subdivision and/or Land Development Plan: Revisions to a previously approved SWM Site Plan to incorporate a change in Stormwater BMPs or techniques, or the relocation or redesign of Stormwater BMPs, or different information about soil or other conditions from what was stated in the SWM Site Plan, shall be submitted by the applicant to Hamiltonban Township. Hamiltonban Township, at its sole discretion may require a re-submission of the revised SWM Site Plan in accordance with this Ordinance, including applicable review fee. For NPDES permitted sites, any revised SWM Site Plan shall be re-submitted to the Adams County Conservation District for its review. In the case of a SWM Site Plan which contains minor deficiencies (such as a missing label, omission of a required note or minor construction detail), Hamiltonban Township may, at its sole discretion, accept a re-submission of such SWM Site Plan without the requirement of a full review fee, or a lesser fee, as determined by Hamiltonban Township.
- B. SWM Site Plan Submitted as a Component of a Subdivision and/or Land Development Plan: A revision of an SWM Site Plan approved as a component of a subdivision and/or land development plan shall be treated as a revision of the subdivision and/or land development plan and shall be subject to the review process established in the Hamiltonban Township Subdivision and Land Development Ordinance.

Section 405: Re-submission of Disapproved SWM Site Plans

- A. SWM Site Plan not Submitted as a Component of a Subdivision and/or Land Development Plan. A previously disapproved SWM Site Plan may be resubmitted with the revisions addressing the defects of the original submission as listed in Hamiltonban Township's Decision Notification

provided in accordance with Section 403.B.1.e. The re-submitted SWM Site Plan shall be reviewed and acted upon in accordance with Section 403.B.1 of this Ordinance. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by Hamiltonban Township.

- B. SWM Site Plan Submitted as a Component of a Subdivision and/or Land Development Plan: The resubmission of the SWM Site Plan originally submitted as a component of a subdivision and/or land development plan shall be treated as resubmission of said subdivision and/or land development plan and shall be subject to the review process established in the Hamiltonban Township Subdivision and Land Development Ordinance.

Section 406: Authorization to Construct and Term of Validity

- A. SWM Site Plans not Submitted as a Component of a Subdivision and/or Land Development Plan: Hamiltonban Township approval of a SWM Site Plan, when such Plan is not submitted as a component of a subdivision and/or land development plan, authorizes the Regulated Activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. Hamiltonban Township may specify a term of validity shorter than five (5) years in the Decision Notification for any specific SWM Site Plan, particularly if the nature of the proposed SWM facilities requires more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date Hamiltonban Township signs the Decision Notification for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, and if a request to extend the permit has not been submitted to Hamiltonban Township by the applicant, the permit terminates and Hamiltonban Township may revoke any and all permits applicable to the project. SWM Site Plans for projects with expired permits may be resubmitted in accordance with Section 405 of this Ordinance.
- B. SWM Site Plans Submitted as a Component of a Subdivision and/or Land Development Plan: Hamiltonban Township approval of a SWM Site Plan as a component of a subdivision and/or land development plan is subject to the term of validity as specified in the Hamiltonban Township Subdivision and Land Development Ordinance.

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

- A. The stormwater management facilities constructed in accordance with a SWM Site Plan not submitted as a component of a subdivision and/or land development plan shall be subject to the following process upon the completion of construction of said facilities.
 1. Hamiltonban Township may, at its discretion, inspect stormwater management facilities that do not require an NPDES Permit at any time during the construction process to ensure compliance with the approved SWM Site Plan.
 2. The property owner or developer shall contact Hamiltonban Township within seven (7) days of the completion of the construction process to schedule a Final Inspection. The Final Inspection shall be conducted by the Hamiltonban Township engineers and/or other official as designated by the Township Supervisors.

3. Hamiltonban Township may inspect the completed improvements to confirm consistency with the approved SWM Site Plan. Following the inspection, Hamiltonban Township may take one of the following two actions.
 - a. Issue a Completion Certificate: A Completion Certificate may be issued when Hamiltonban Township determines that the stormwater management facilities have been constructed in conformance with the approved SWM Site Plan.
 - b. Issue Correspondence Regarding Discrepancies: If Hamiltonban Township determines that the stormwater management facilities have not been constructed in accordance with the approved SWM Site Plan, Hamiltonban Township shall issue correspondence addressed to the property owner or developer summarizing the discrepancies from the approved SWM Site Plan. Such correspondence does not by itself constitute an extension of any applicable SWM Permit.
 4. Upon receipt of correspondence summarizing discrepancies in the constructed stormwater facilities, the property owner or developer shall apply for permit extensions when necessary, and take one of the following two actions.
 - a. Reconstruct the required stormwater management facilities in a manner that complies with the approved SWM Site Plan. Upon completion of the reconstruction work, the property owner or developer shall contact Hamiltonban Township for a subsequent Final Inspection in accordance with the process established in Section 407.A.1.
 - b. Submit a revised SWM Site Plan in accordance with the process established in Section 404.A. The revised SWM Site Plan shall be consistent with the improvements as constructed. Upon receipt, Hamiltonban Township may review the revised SWM Site Plan in accordance with the review and approval process of Section 403. If the revised SWM Site Plan is approved, Hamiltonban Township shall issue the Completion Certificate. If the revised SWM Site Plan fails to demonstrate that the constructed stormwater management facilities can comply with the requirements of this Ordinance, Hamiltonban Township may then require the property owner or developer to reconstruct the required stormwater facilities in accordance with the originally approved SWM Site Plan.
 5. Within fifteen (15) days of the Completion Certificate, the property owner or developer shall submit to Hamiltonban Township, an As-Built Plan depicting the stormwater management facilities as constructed. If requested by the applicant, Hamiltonban Township may grant an extension of the deadline to submit As-Built Plans.
- B. The stormwater management facilities constructed in accordance with a SWM Site Plan submitted as a component of a subdivision and/or land development plan shall be subject to the completion of improvements requirements of the Hamiltonban Township Subdivision and Land Development Ordinance and Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

ARTICLE V – OWNERSHIP, OPERATION AND MAINTENANCE

Section 501: Determination of Ownership and Maintenance Responsibility

- A. The Hamiltonban Township Supervisors shall make the final determination on the ownership and maintenance responsibilities of required Stormwater BMPs prior to final approval of the SWM Site Plan. The Hamiltonban Township Supervisors may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Hamiltonban Township shall not be obligated to accept the facilities if offered for dedication. The Hamiltonban Township Supervisors reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
- B. If the Hamiltonban Township Supervisors accepts dedication of any or all stormwater management facilities associated with a project, Hamiltonban Township shall operate and maintain said facilities in accordance with the approved O&M Plan.
- C. If the Hamiltonban Township Supervisors do not accept dedication of some or all of the stormwater management facilities associated with a project, the property owner shall sign an O&M Agreement in accordance with Section 503 of this Ordinance to ensure that the property owner will maintain the Stormwater BMPs in accordance with the approved O&M Plan. Hamiltonban Township shall not approve the SWM Site Plan before the owner signs the O&M Agreement.

Section 502: Operation and Maintenance Plan:

An Operation and Maintenance (O&M) Plan shall be included as a component of all SWM Site Plan submissions and shall include the following.

- A. Long-term ownership responsibilities.
- B. Continuing maintenance responsibilities, including schedules and estimated costs for maintenance activities. This component shall include all information necessary to ensure that the Stormwater BMPs will continually operate within the design parameters of the given facility.
- C. Continuing inspection responsibilities, including schedules for property owner inspection consistent with the standards of Section 702.

Section 503: Operation and Maintenance Agreements

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an O&M Agreement binding the property owner to conduct all maintenance and inspection activities identified in the approved O&M Plan for proposed Stormwater BMPs.
 - 1. The property owner, heirs, successors and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.

2. The property owner shall provide to Hamiltonban Township easements to ensure access for periodic inspections and maintenance by Hamiltonban Township, as necessary.
 3. The property owner shall keep on file with Hamiltonban Township the name, address, and telephone number of the person or company responsible for maintenance activities. In the event of a change, new information shall be submitted by the property owner to Hamiltonban Township within ten (10) working days of the change.
 4. The O&M Agreement shall be recorded with the Adams County Recorder of Deeds.
- B. The owner is responsible for operation and maintenance of the Stormwater BMPs. If the owner fails to adhere to the O&M Agreement or the O&M Plan, Hamiltonban Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees, costs and other expenses incurred in the performance of services required may result in a municipal lien against the property.

Section 504: Performance Guarantee

For SWM Site Plans submitted as a component of a subdivision and/or land development plan, the property owner or developer shall provide a financial guarantee to Hamiltonban Township for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the completion of improvements requirements of the Hamiltonban Township Subdivision and Land Development Ordinance and the provisions of Sections 509 through 511 of the Pennsylvania Municipalities Planning Code.

ARTICLE VI - FEES AND EXPENSES

Section 601: General

- A. The Hamiltonban Township Supervisors shall, by resolution, establish a fee schedule to defray costs incurred by Hamiltonban Township associated with the administration and enforcement of this Ordinance.
- B. The applicant shall be responsible for the payment of all fees, costs, and other expenses incurred in the submission, review, and decision on SWM Site Plans and/or other submissions pursuant to this ordinance.

Section 602: Expenses Covered by Fees

The fee(s) may include, but are not limited to, costs for the following:

- A. Administrative, clerical, and legal costs.
- B. Review of the SWM Site Plan and reports by Hamiltonban Township and representatives or counselors of the Hamiltonban Township.
- C. Attendance at meetings by representatives and counselors of Hamiltonban Township, as may be necessary.
- D. Various Inspections (such as during construction and after construction) by Hamiltonban Township or its representatives.
- E. Any additional work required to enforce any provision (s) regulated by this Ordinance, correct violations, and ensure proper completion of stipulated remedial actions.

ARTICLE VII - ENFORCEMENT AND PENALTIES

Section 701: Municipal Inspection

- A. Upon presentation of proper credentials, Hamiltonban Township officials or their designee may enter at reasonable times upon any property within Hamiltonban Township to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.
- B. Inspections regarding compliance with the SWM Site Plan may be conducted by the Hamiltonban Township at any time when there may be a question of compliance with the approved SWM Site Plan, the approved O&M Plan, or when any condition exists that may threaten public health, safety, or welfare.

Section 702: Landowner Inspection

- A. Stormwater BMPs shall be inspected by the landowner, or landowner's designee (which shall include Hamiltonban Township where such facilities have been dedicated to Hamiltonban Township), according to the following list of minimum frequencies:
 - 1. Annually for the first five (5) years.
 - 2. Once every three (3) years thereafter.
 - 3. During or immediately after the cessation of a ten (10)-year or greater storm, i.e., a storm of an estimated frequency of recurrence of ten (10) years or greater interval of time.
 - 4. At any other interval as may be specified in the approved O&M Agreement.
- B. Following inspection of Stormwater BMPs by the landowner or landowner's designee, said landowner or landowner's designee shall report the findings of the inspection in writing to Hamiltonban Township. Such report shall be provided on forms provided by Hamiltonban Township.
- C. Following receipt of required inspection reports, Hamiltonban Township reserves the right to confirm the findings of any inspection if reasonable cause exists to suggest that the inspection did not uncover potential problems with the Stormwater BMP. Hamiltonban Township may conduct a subsequent inspection of the facilities to address such concern. If Hamiltonban Township's inspection uncovers problems with the Stormwater BMPs on site that result in the site no longer being consistent with the approved SWM Site Plan for the site, Hamiltonban Township, may initiate corrective actions in accordance with the enforcement processes enabled in this Ordinance.

Section 703: Suspension or Revocation of SWM Site Plan Approval

- A. Any SWM Site Plan approval issued by Hamiltonban Township pursuant to this Ordinance may be suspended or revoked for any of the following reasons.
1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Plan.
 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 conduct of any Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers life or property.
- B. A suspended SWM Site Plan approval may be reinstated by the Hamiltonban Township Supervisors when the following conditions are met.
1. Hamiltonban Township officials or their designee(s) have inspected and approved the corrections to the violations that caused the suspension.
 2. The Hamiltonban Township Supervisors is satisfied that the violation has been corrected.
- C. An SWM Site Plan approval that has been revoked by the Hamiltonban Township Supervisors shall not be reinstated. The applicant may apply for a new SWM Site Plan approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, the Hamiltonban Township Supervisors may, at its sole discretion, provide a limited time period for the owner to correct the violation. In these cases, the Hamiltonban Township Supervisors 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, Hamiltonban Township may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 704: Enforcement

Hamiltonban Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance when Hamiltonban Township determines that a property owner or developer has initiated a Regulated Activity without receiving SWM Site Plan approval, that a property owner or developer has failed to comply with an approved SWM Site Plan or approved O&M Plan, or that a property owner or developer has violated any other provision of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 705: Penalties

(Municipalities should confer with their solicitors to provide appropriate wording and a judgment amount for this section.)

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not less than \$500.00 and more than \$2000.00 for each violation, recoverable with costs including engineering and attorney's fees incurred during enforcement of this Ordinance. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, Hamiltonban Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

Section 706: Appeals

- A. Any person aggrieved by any action of Hamiltonban Township or its designee, relevant to the enforcement of the provisions of this Ordinance, may appeal said action to the Hamiltonban Township Supervisors within thirty (30) days of that action.
- B. Any person aggrieved by any decision of the Hamiltonban Township Supervisors regarding the appeal of any action of Hamiltonban Township or its designee, may appeal the decision to the Adams County Court of Common Pleas within thirty (30) days of the decision of the Hamiltonban Township Supervisors.

ARTICLE VIII: ENACTMENT

ENACTED AND ORDAINED into an Ordinance the 3rd day of July, 2012.

This Ordinance shall take effect five days after the date of adoption.

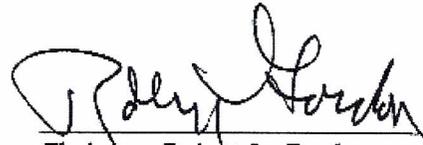
ATTEST:

Board of Supervisors
Hamiltonban Township
Adams County

Deborah K. Feiler



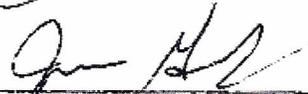
Secretary/Treasurer



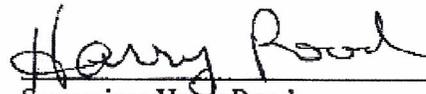
Chairman Robert I. Gordon



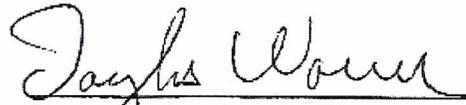
Vice Chairman Coleen N. Reamer



Supervisor James Grinder



Supervisor Harry Rood



Supervisor Douglas W. Woerner

