

STORMWATER MANAGEMENT ORDINANCE

ORDINANCE NO. 2011-1

COOKE TOWNSHIP

CUMBERLAND COUNTY, PENNSYLVANIA

Adopted at a Public Meeting held on

June 7, 2011

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ARTICLE I - GENERAL PROVISIONS

Section 101. Short Title

This Ordinance shall be known and may be cited as the “Cooke Township Stormwater Management Ordinance.”

Section 102. Statement of Findings

The Cooke Township Board of Supervisors 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 Commonwealth, their resources and the environment.
- C. Stormwater is an important water resource, which provides 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).

Section 103. Purpose

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

- A. 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.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to the source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.

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- F. Prevent scour and erosion of stream banks and streambeds.
- G. Provide proper operation and maintenance of all permanent Stormwater Management (SWM) Best Management Practices (BMPs) that are implemented within Cooke Township.
- H. Provide standards to meet NPDES permit requirements.
- I. Meet general water quality and soil disturbance goals by implementing measures to:
 - 1. Minimize disturbance to floodplains, wetlands, natural slopes over 15%, and existing native vegetation.
 - 2. 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.
 - 3. Establish and maintain non-erosive flow conditions in natural flow pathways.
 - 4. Minimize soil disturbance and soil compaction. Over disturbed areas, replace topsoil to a minimum depth of 4 inches. Use tracked equipment for grading when feasible.
 - 5. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - 6. Incorporate the techniques for Low Impact Development Practices described in the most current version of “The Pennsylvania Stormwater Best Management Practices Manual” (SWM Manual)¹.
 - 7. Minimize thermal impacts to Waters of the Commonwealth.

Section 104. Statutory Authority

A. Primary Authority:

Cooke Township is empowered to regulate these activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the “Storm Water Management Act,” and the Second Class Township Code of 1995, P.L. 350, No. 60 et seq., as amended.

Hereafter, all earthmoving activities and land development within Cooke Township, including without limitation, the location, design and construction within the watershed of storm water management systems, obstructions, flood control projects, subdivisions and major land developments, highways and transportation facilities, facilities for the provision of public utility services and facilities owned or financed in whole or in part by funds from the Commonwealth of Pennsylvania, shall be in full compliance with the requirements of the Cooke Township Stormwater Management Ordinance as well as the provisions contained within Pennsylvania Code Title 25 and the Clean Streams Law. The various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual)², Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008

(2000), as amended and updated along with the standards contained within and shall be conducted in a manner consistent therewith. Any violation of the Cooke Township Stormwater Management Ordinance shall be considered a violation pursuant to Article VIII of this ordinance.

B. Secondary Authority:

Cooke Township 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 activity, are subject to regulation by this Ordinance as is reasonably necessary to prevent injury to health, safety or other property. The following activities are defined as “regulated activities” and shall be subject to the provisions of this Ordinance (unless otherwise exempted by Section 302):

- (1) Land development and/or redevelopment,
- (2) Subdivision,
- (3) Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.),
- (4) Construction of structures or additions to existing structures, as determined by Cooke Township,
- (5) Diversion or piping of any natural or man-made stream channel,
- (6) Installation of stormwater management facilities or appurtenances thereto, and,
- (7) Forest management/timber operations that include logging road construction and timber harvesting.

Section 106. Repealer

Any other ordinance provision(s) or regulation of Cooke Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 108. Compatibility with Other Requirements and Landowner Responsibility

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 and does not relieve the Applicant from the responsibility of preventing injury to health safety or other property.

Section 109. Waiver Procedure

The provisions of this ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The elected officials may waive any mandatory provision of these regulations to the benefit of the applicant provided the waiver:

1. Is consistent with the purpose of the Ordinance as described in Section 103;
2. Will remove or reduce an unreasonable standard or undue hardship as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results.
3. Is consistent with Section 301.C when involving water quality requirements.

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

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.
- D. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.

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

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

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

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

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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, sand filters, detention basins, and manufactured devices. Structural Stormwater BMPs are permanent appurtenances to the project site.

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.

Dam - An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

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 Volume - The volume of runoff that is captured and then infiltrated, evaporated, reused, or released into the waters of this Commonwealth at a controlled rate.

DEP - The Pennsylvania Department of Environmental Protection.

Designee - The agent of the Board of Supervisors of Cooke Township and/or agent of the governing body involved with the administration, review or enforcement of any provisions of this ordinance by contract or memorandum of understanding, or the agent of an Applicant, Developer, person, partnership, association, corporation, trust or other entity.

Detention Basin - An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Developer - A person, partnership, association, corporation, or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity of this Ordinance.

Development Site (Site) - See Project Site.

Disconnected Impervious Area (DIA) - An impervious or impermeable surface which has its stormwater runoff disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area which allows for infiltration, filtration, and increased time of concentration as specified in Appendix C, Disconnected Impervious Area.

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

Drainage Plan - The documentation of the stormwater management system to be used for a given development site, the contents of which are established in Article IV.

Earth Disturbance Activity - A construction or other human activity which disturbs or exposes the underlying soil, including, but not limited to, mining, timber harvesting, clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; the moving, depositing, stockpiling, or storing of soil, rock or earth materials which alters, disturbs, and exposes the existing land surface.

Erosion - The natural process by which the surface of the land is worn away by the movement of soil particles through the action of water, wind, ice, chemical action or other natural forces.

Erosion and Sediment Control Plan - A plan which is designed to minimize accelerated erosion and sedimentation as prepared in accordance with the Pennsylvania Code, Title 25, Chapter 102 and the Clean Streams Law, as amended and updated.

Existing Condition - The initial condition of a project site prior to the proposed construction.

FEMA - Federal Emergency Management Agency.

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

Floodplain - The lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year or any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary, mapped as being a special flood hazard area. Also included are areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania Department of Environmental Protection (PA DEP) Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by PA DEP).

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.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Hydrologic Soil Group (HSG) – Refers to soils grouped according to their runoff-producing characteristics. The chief consideration is the inherent capacity of soil bare of vegetation to permit infiltration. 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

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from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS^{3,4}).

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 used to cover 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 allow for infiltration.

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

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

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 of the following activities: (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, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure, or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

Land Disturbance - Any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Municipality – Cooke Township, Cumberland County, Pennsylvania.

NRCS - USDA Natural Resources Conservation Service (previously SCS).

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

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

Pervious Area - Any area not defined as impervious.

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

Project Site - The specific area of land where any Regulated Activities in Cooke Township are planned, conducted or maintained.

Qualified Professional – A Professional Engineer or Professional Land Surveyor licensed by the Pennsylvania Department of State.

Regulated Activities – Shall include, but not be limited to any Earth Disturbance Activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff as specified in Section 105.

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

Release Rate - The percentage of predevelopment peak rate of runoff from a site or subarea to which the post development peak rate of runoff must be reduced to protect downstream areas.

Retention Basin - An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Retention Volume/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 25 years; or stated in another way, 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 surface.

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

Sediment Pollution - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth occurring from the failure to design, construct, implement or maintain control measures and control facilities in accordance with the requirements of this Ordinance.

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

Seepage Pit / Seepage Trench - An area of excavated earth filled with loose stone or similar coarse material, into which surface water is directed for infiltration into the ground.

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 facilities.

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Stormwater Management Plan – A plan consistent with the Cooke Township Stormwater Management Ordinance for managing stormwater runoff as adopted and amended by the Board of Supervisors of Cooke Township as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act” promulgated in accordance with the Cumberland County Stormwater Management Plan adopted by the County of Cumberland as required by the “Storm Water Management Act”.

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

Stormwater Management Site Plan - The plan prepared by the developer, municipality, or other entity 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.

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

Subarea - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

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

Swale - A low-lying stretch of land which gathers or carries surface water runoff.

Timber Operations - See Forest Management/Timber Operations.

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

USDA - United States Department of Agriculture.

Watercourse - A stream of water; river; brook; creek; or a channel or ditch for water, whether natural or manmade.

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 are required.
 - 2. No Regulated Activities shall commence until Cooke Township issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by Cooke Township, in accordance with Section 406, shall be on site throughout the duration of the Regulated Activity.
- C. Cooke Township, after consultation with DEP, may 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 the Pennsylvania Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual)², Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008 (2000), as amended and updated.
- E. For all Regulated Activities not exempted by Section 302, implementation of the Volume Controls in Section 303 is required.
- F. For all new development projects, 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. Similarly, for new development projects taking place in stages, the entire proposed new development plan must be used in determining conformance with this Ordinance.
- G. Stormwater flows/direct discharges onto adjacent property shall not be created, increased, decreased, 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.
- H. The design of all facilities over Karst features shall include an evaluation of measures to minimize adverse effects in accordance with the procedures outlined in Section 7.4 (Special Management Areas – Karst Areas) of the most current version of the SWM Manual¹.
- I. Storage facilities should completely drain both the volume control and rate control capacities within 72 hours from the end of the design storm subject to site conditions.

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- J. The design storm precipitation depth estimates to be used in the analysis of peak rates of discharge should be obtained from the *Precipitation-Frequency Atlas of the United States*, Atlas 14, Volume 2, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, 20910. NOAA’s Atlas 14⁵ can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
- 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 Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- L. For all earth disturbance activities, Applicants shall follow the requirements of 25 Pa. Code Chapter 102.

Section 302. Exemptions

- A. Regulated Activities resulting in less than or equal to 1,000 square feet of new impervious surface are exempt from Article IV SWM Site Plan preparation requirements including Sections 303 and 304 of this Ordinance. Regulated Activities greater than 1,000 square feet and less than or equal to 5,000 square feet of new impervious area may be exempt from the SWM Site Plan preparation requirements including Sections 303 and 304 of this Ordinance when justification is provided that stormwater impact is minimal.*
- B. Regulated Activities that create new Disconnected Impervious Areas greater than 1,000 square feet and less than or equal to 5,000 square feet that are proven to meet the 75-foot minimum pervious flow path requirement outlined in Appendix C are exempt from the SWM Site Plan preparation requirements including Sections 303 and 304 of this Ordinance.*
- C. Regulated Activities meeting the following parcel size and square footage requirements are exempt from the peak rate control requirements, but not the volume control or SWM Site Plan preparation requirements of this Ordinance. These criteria shall apply to the total proposed development even if development is to take place in phases. The date of the municipal ordinance adoption shall be the starting point from which to consider tracts as “parent tracts” in which future subdivisions and respective impervious area computations shall be cumulatively considered.*

New Impervious Area Exemption Criteria for Peak Rate Control

Total Parcel Size (acres)	Total Parcel Size (square feet)	New Impervious Area Exemption (square feet)
<0.25	<10,890	1,500
0.25 – 0.5	10,890 – 21,780	2,500
>0.5 – 1.0	>21,780 – 43,560	5,000
>1.0 – 3.0	>43,560 – 130,680	6,000
>3.0	>130,680	7,500

- D. Agricultural plowing and tilling are exempt from the SWM Site Plan requirements including Sections 303 and 304 of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code Chapter 102, as amended and updated.
- E. 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, as amended and updated.

***Cooke Township has, at its discretion, the ability to deny exemption from any requirements of this ordinance. Exemption from any requirements of this ordinance does not convey exemption from any requirements of any other applicable local codes or ordinances (i.e., local building permit requirements).**

Section 303. Volume Controls

Water volume controls shall be implemented using the *Design Storm Method* in Subsection 1 or the *Simplified Method* in Subsection 2 below for all Regulated Activities not otherwise exempted by Section 302. 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.

- 1. *The Design Storm Method* (see Section 8.7 of the most current version of the SWM Manual¹) is applicable to any size of Regulated Activity. This method requires detailed modeling based on site conditions.
 - a. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year 24-hour duration Type II storm distribution precipitation.
 - b. For modeling purposes:
 - i. Existing (pre-development) non-forested pervious areas must be considered meadow or its equivalent.
 - ii. Twenty (20) percent of existing impervious area, when present, shall be considered meadow in the model for existing conditions.
- 2. *The Simplified Method* (see Section 8.7 of the most current version of the SWM Manual¹) 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 Regulated Activities greater than one (1) acre or for projects that require design of stormwater detention or rate control facilities. For new impervious surfaces:
 - a. Stormwater facilities shall be sized to capture at least the first two inches (2”) of runoff from all new impervious surfaces.
 - b. 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

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waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.

- c. 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.
- d. The second one inch (1.0”) of runoff from new impervious surfaces should be detained using structural and non-structural BMPs (as outlined in the most current version of the SWM Manual) and released at a controlled rate.
- e. Regulated Activities eligible under this method are exempt from the requirements of Section 304, Rate Controls.

Section 304. Rate Controls (see Section 8.3 of the most current version of the SWM Manual¹)

- 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 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 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 1-, 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 (see Appendix D):

For the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year storms, the post-development peak discharge rates will follow the applicable approved release rate maps (see Appendix D). For any areas not shown on the release rate maps, the post-development discharge rates shall follow the approved release rate map in Cooke Township closest to the site location.

ARTICLE IV - STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS

Section 401. Plan Requirements

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

- A. Appropriate sections from the Cooke Township Subdivision and Land Development Ordinance, and other applicable local ordinances, shall be followed in preparing the SWM Site Plans.
- B. Cooke Township 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, Cooke Township may either disapprove the submission and require a resubmission, or in the case of minor deficiencies Cooke Township may accept submission of modifications.

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- C. Provisions for permanent access or maintenance easements as determined necessary by Cooke Township for all physical SWM BMPs, such as ponds and infiltration structures, to implement the operation and maintenance plan discussed in item D.9 below.
- D. 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 Site Assessment procedures outlined in Chapter 4 of the most current version of the SWM Manual¹. A site assessment shall be completed for projects proposed in areas of carbonate geology or karst topography.
 - 3. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that 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 submitted to the approval authority.
 - 6. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and adjacent aquatic features and on any existing stormwater conveyance system that may be affected by the project.
 - 7. Plan and profile drawings of all SWM BMPs including drainage structures, pipes, open channels, and swales.
 - 8. SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
 - 9. The SWM Site Plan shall include an operation and maintenance (O&M) plan for all proposed physical stormwater management facilities (see Appendix B). This plan shall address long-term ownership and responsibilities for operation and maintenance as well as schedules for O&M activities.

Section 402. Plan Submission

- A. Five (5) copies of the SWM Site Plan shall be submitted as follows:
 - 1. Two (2) copies to Cooke Township, accompanied by the requisite fees.
 - 2. One (1) copy to the Township Engineer.
 - 3. One (1) copy to the County Conservation District.
 - 4. One (1) final copy to the County Planning Department.

- B. Additional copies shall be submitted as requested by Cooke Township.

Section 403. Plan Review

- A. The SWM Site Plan shall be reviewed by the Township Engineer, or, in the case of a conflict, another Registered Professional Engineer selected by Cooke Township, for consistency with the provisions of this ordinance. After review, the Township Engineer shall provide a written recommendation for Cooke Township to approve or disapprove the SWM Site Plan. If it is recommended to disapprove the SWM Site Plan, the Township Engineer shall state the reasons for the disapproval in writing. The Township Engineer 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. For SWM Site Plans that do not require subdivision and land development approval, Cooke Township 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 and 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 Cooke Township. If Cooke Township disapproves the SWM Plan, Cooke Township shall cite the reasons for disapproval in writing.

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 redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by Cooke Township, shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

Section 405. Resubmission of Disapproved Storm Water Management Site Plans

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Township's concerns, to Cooke Township 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

Cooke Township's approval of an 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. Terms of validity shall commence on the date Cooke Township signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then Cooke Township may consider the SWM Site Plan disapproved and may revoke any and all permits issued by the Township. SWM Site Plans that are considered disapproved by Cooke Township shall be resubmitted in accordance with Section 405 of this Ordinance.

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

- A. The Applicant shall be responsible for providing as-built survey and plans of all SWM BMPs included in the approved SWM Site Plan. The as-built survey and plans along with an explanation of any discrepancies with the approved construction plans shall be submitted to Cooke Township.
- 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 other licensed Qualified Professionals contributed to the construction plans, then those licensed Qualified Professionals must also sign the completion certificate.
- C. After receipt of the as-built plan, Cooke Township may conduct a final inspection.

ARTICLE V - OPERATION AND MAINTENANCE

Section 501. Responsibilities of Developers and Landowners

- A. Cooke Township shall make the final determination on the continuing maintenance and inspection responsibilities prior to final approval of the SWM Site Plan. Cooke Township 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 Cooke Township will accept the facilities. Cooke Township reserves the right to accept or reject the ownership and operating responsibility for any portion of the 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.
- D. Cooke Township may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

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 (see the sample Operations and Maintenance Agreement in Appendix B), Cooke Township may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property or other judicial action.

ARTICLE VI - FEES AND EXPENSES

Section 601. General

Cooke Township may include all costs incurred by the Township in the various fees charged to an Applicant for submission and review of the Stormwater Management Plan. The Township will retain a

fee schedule set by Resolution to determine filing or application fees, earth disturbance, review and inspection fees.

These fees may include but not be limited to costs for the following:

- A. Administrative/clerical processing, phone calls and similar items.
- B. Review of the SWM Site Plan and any revisions thereto.
- C. Attendance at Township meetings or meetings with Applicants.
- D. Review of As-Built plans.
- E. Inspections.

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, but not limited to, sewage, process wastewater, wash water, ammonia, chlorine, petroleum products (gasoline, fuel oil, etc.) pesticides, pollutants and other hazardous materials to enter the waters of the Commonwealth is prohibited.

Handling and disposal of all materials and wastes shall comply with all Federal and State requirements. Structural and non-structural BMPs, in accordance with Chapters 5 and 6 of the most current version of the SWM Manual, shall be implemented where necessary to preserve the quality of stormwater runoff.

- B. Discharges to Waters of the Commonwealth which are not composed entirely of stormwater shall be prohibited, 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)

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

Section 702. Roof Drains and Sump Pumps

Roof drains and sump pumps shall not discharge to any impervious area if site conditions permit.

Section 703. Alteration of SWM BMPs

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures, without the written approval of the Board of Supervisors of Cooke Township.

ARTICLE VIII - ENFORCEMENT AND PENALTIES

Section 801. Right-of-Entry

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

Section 802. Inspection

SWM BMPs must be inspected by the landowner, or the owner's designee (including Cooke Township for dedicated and owned facilities) according to the following list of minimum frequencies or as otherwise specified by the Township. All inspection reports shall be submitted to Cooke Township.

1. Annually for the first 5 years.
2. Once every 3 years thereafter.

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. Inspections regarding compliance with the SWM Site Plan during project construction are a responsibility of Cooke Township or its designees.
- C. It shall be unlawful to remove any control structure or BMP required by the SWM Site Plan unless reviewed and approved by Cooke Township.
- D. The Cooke Township Supervisors, Code Enforcement Officer, or other designated official shall be responsible for enforcing the provisions of this Ordinance.

Section 804. Suspension and Revocation

- A. Any approval or permit issued by Cooke Township may be suspended or revoked for:

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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 Cooke Township when:
1. Cooke Township has inspected and approved the corrections to the violations that caused the suspension.
 2. Cooke Township is satisfied that the violation has been corrected.
- C. An approval that has been revoked by Cooke Township 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, Cooke Township may provide a limited time period for the owner to correct the violation. In these cases, Cooke Township 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, Cooke Township may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 805. Penalties

- A. Violation of any provision or requirement of this Ordinance or violation of any statement, plan, application, permit, or certificate approved under the provisions of this Ordinance shall be considered an offense punishable by a fine of not more than five hundred dollars (\$500), or imprisonment for not more than sixty days, for each offense. Each day that a violation is continued shall constitute a separate offense and penalties shall be cumulative.
- B. The applicant, owner, general agent, contractor, architect, builder, corporation or other person in connection with a site, building, premises, or part thereof where such a violation has been committed or does exist shall be guilty of such an offense.
- C. Any applicant, owner, general agent, contractor, architect, builder, corporation or other person who commits, takes part or assists in such violation shall also be guilty of such an offense.
- D. In addition, Cooke 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 806. Appeals

- A. Any person aggrieved by any action of Cooke Township or its designee, relevant to the provisions of this Ordinance, may appeal to Cooke Township within thirty (30) days of that action.

- B. Any person aggrieved by any decision of Cooke Township, relevant to the above appeal of this Ordinance, may appeal to the Cumberland County Court of Common Pleas within thirty (30) days of the Township'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/>.

Cooke Twp STORMWATER MANAGEMENT ORDINANCE of 2011

DULY ENACTED AND ORDAINED by the Board of Supervisors of Cooke Township, Cumberland County, Pennsylvania, this seventh day of June, 2011.

TOWNSHIP OF COOKE
CUMBERLAND COUNTY, PENNSYLVANIA

ATTEST:

CARL W. JONES III, CHAIRMAN

SECRETARY

SAM SANGIALOSI, VICE CHAIRMAN

DIANE M. BATT, SUPERVISOR

APPENDIX A

DRAINAGE PLAN APPLICATION

(To be attached to the Stormwater Management (SWM) Site Plan)

Application is hereby made for review of the Stormwater Management (SWM) Site Plan and Erosion and Sedimentation Control Plan and related data as submitted herewith in accordance with the Cooke Township Stormwater Management Ordinance.

Check one: _____ Final Plan _____ Preliminary Plan _____ Sketch Plan

Date of Submission: _____ Submission No.: _____

1. Name of subdivision or development:

2. Name of Applicant: _____ Telephone No.: _____

(If a Corporation, list the Corporation's name and the names of two officers of the Corporation.)

Address: _____

City: _____ State: _____ Zip Code: _____

Applicant's interest in subdivision or development: _____

(If Applicant is other than the property owner give the Owners name and address.)

3. Name of Property Owner: _____ Telephone No.: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Name of Engineer or Surveyor: _____

Telephone No.: _____ Address: _____

City: _____ State: _____ Zip Code: _____

4. Type of subdivision or development proposed:

- | | | |
|---------------------------|-------------------------|------------------------------|
| _____ Single Family Lots | _____ Townhouses | _____ Commercial (multi-lot) |
| _____ Two Family lots | _____ Garden Apartments | _____ Commercial (one lot) |
| _____ Cluster lots | _____ Campground | _____ Industrial (multi-lot) |
| _____ Planned Residential | Other _____ | _____ Industrial (one lot) |

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If other, describe type of development: _____

5. Is there any lineal footage of new road proposed? _____ Lineal Feet

6. Area of proposed and existing impervious area on entire tract in square feet (s.f.):

a. Existing (to remain): _____ s.f. _____ % of property

b. Proposed: _____ s.f. _____ % of property

7. Stormwater

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

b. Subarea information from the Cooke Township Stormwater Management Ordinance and other resources:

- Subarea Name: _____

- Release Rate: _____

- Closest Receiving Waterbody: _____

- DEP Chapter 93 Classification: _____

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

d. Type of proposed runoff control: _____

e. Does the proposed stormwater control criteria meet the requirement/guidelines of the Cooke Township Stormwater Management Ordinance? _____

f. Does the stormwater management plan meet the requirements of Articles III and IV of the Cooke Township Stormwater Management Ordinance? _____

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

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

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- i. Is a hydraulic routing through the stormwater control structure submitted? _____
- j. Is a construction schedule or staging attached? _____
- k. Is a proposed maintenance program attached? _____

8. Has an Erosion and Sediment Pollution Control Plan been submitted to Cooke Township, the County Conservation District or the Pennsylvania Department of Environmental Protection?

- a. List where: _____
- b. Total area of earth disturbance: _____ square feet

9. Wetlands

- a. Have the wetlands been delineated by someone trained in wetland delineation? _____
- b. Have the wetland lines been verified by a state or federal permitting authority? _____
- c. Have the wetland lines been surveyed? _____
- d. Total acreage of wetland within the property: _____ acres
- e. Total acreage of wetland disturbed: _____
- f. Supporting documentation attached:

10. Filing

- a. Has the required fee been submitted? _____ Amount \$ _____
- b. Has the proposed schedule of construction inspection to be performed by the Applicant's engineer been submitted? _____
- c. Name of individual who will be making the inspections _____
Telephone No.: _____ Address: _____
City: _____ State: _____ Zip Code: _____
- d. General comments about stormwater management at the development site:

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CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF APPLICATION:

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF _____

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

Property Owner(s) _____ [signature]

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 Application 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 _____, 20____.

NOTARY PUBLIC (SEAL)

This Information To Be Completed By The Municipality

Township official submission receipt date: _____

Date complete application received: _____ Plan Number: _____

Total Fees Paid: _____ Date Fees Paid: _____

Received by _____

APPENDIX B

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

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between _____, (hereinafter the “Landowner”), and Cooke Township, Cumberland County, Pennsylvania, (hereinafter “Township”);

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Cumberland 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 Cooke Township (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix B and made part hereof, as approved by the Township, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Township, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of Cooke Township and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, Cooke Township requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, 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 in accordance with the specific maintenance requirements noted on the approved SWM Site Plan.
3. The Landowner hereby grants permission to the Township, 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, Cooke Township 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, Cooke Township or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Township 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 Township.

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- 5. In the event the Township, 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 Cooke Township for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Township.
- 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 effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
- 7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release Cooke Township 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 Cooke Township.
- 9. Cooke Township shall inspect the BMPs at a minimum of once every three (3) years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Cumberland 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.

WITNESS the following signatures and seals:

(SEAL)

For Cooke Township:

For the Landowner:

ATTEST:

Cooke Township, County of Cumberland, 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 _____, 20_____.

NOTARY PUBLIC

(SEAL)

APPENDIX C

DISCONNECTED IMPERVIOUS AREA (DIA)

B.1. Rooftop Disconnection

When rooftop downspouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially Disconnected Impervious Area (DIA) and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:

- The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
- The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group “D” or equivalent, and
- The overland flow path from roof water discharge area has a positive slope of 5% or less.

For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path *	Roof Area Treated as Disconnected
(feet)	(percentage of contributing area)
0 – 14	0
15 – 29	20
30 – 44	40
45 – 59	60
60 – 74	80
75 or more	100
* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.	

B.2. Pavement Disconnection

When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas (e.g. a walkway or bike path through a park).

Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:

- The contributing flow path over impervious area is not more than 75 feet, and
- The length of overland flow is greater than or equal to the contributing length, and
- The soil is not designated as hydrologic soil group “D” or equivalent, and

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- The slope of the contributing impervious area is 5% or less, and
- The slope of the overland flow path is 5% or less.

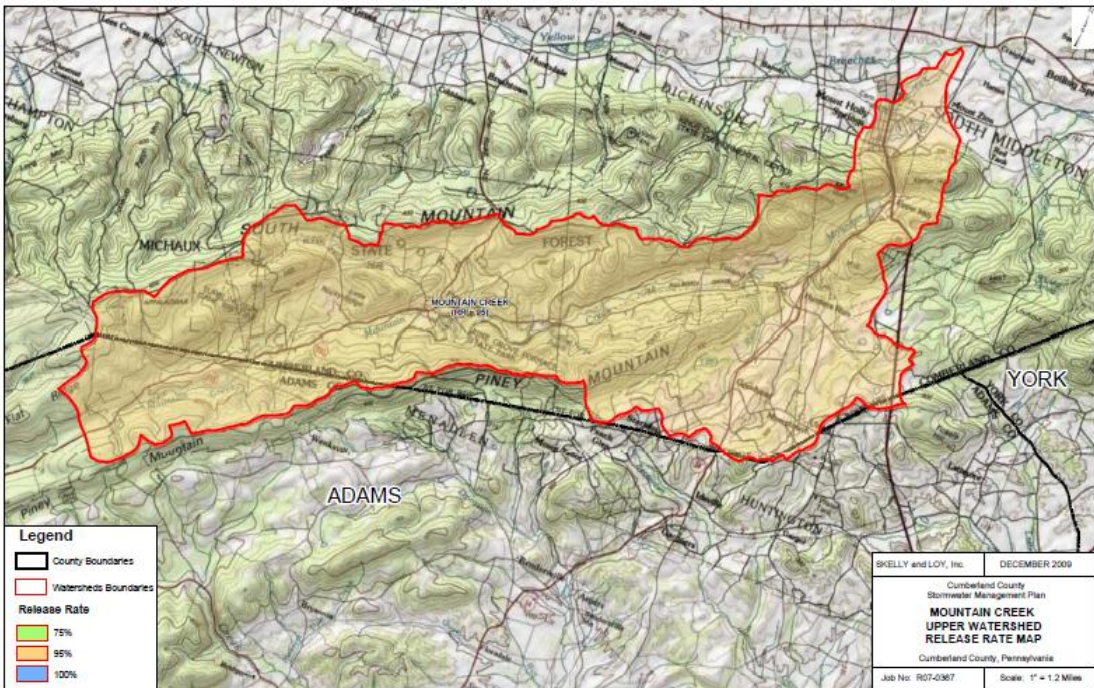
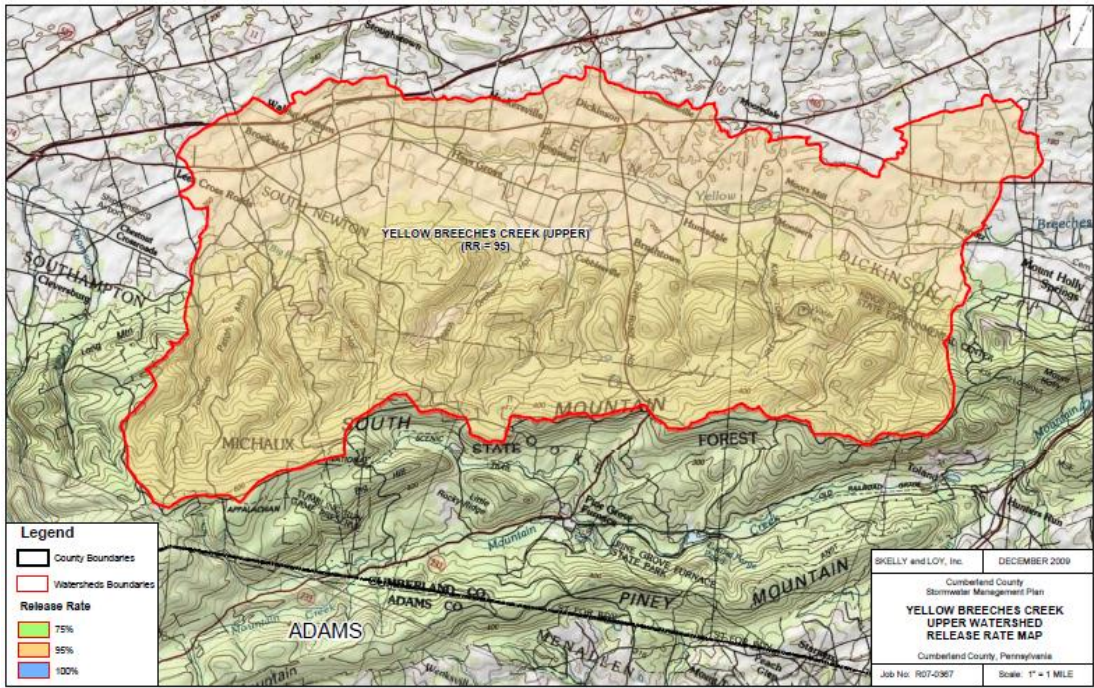
If the discharge is concentrated at one or more discrete points, no more than 1,000 square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For non-concentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

REFERENCE

Philadelphia Water Department. 2006. *Stormwater Management Guidance Manual*. Section 4.2.2: *Integrated Site Design*. Philadelphia, PA.

APPENDIX D

CUMBERLAND COUNTY RELEASE RATE MAPS



**THIS IS A SAMPLE FEE SCHEDULE TO BE CONSIDERED FOR RESOLUTION
AND IS NOT TO BE CONSIDERED AS PART OF THIS ORDINANCE PURSUANT TO
SECTION 601**

COOKE TOWNSHIP STORMWATER MANAGEMENT PLAN SCHEDULE OF FEES

Name of Subdivision or Development: _____

Submittal No.: _____

Date of Initial Submission: _____

Owner: _____

Applicant: _____

Engineer: _____

1. Filing fee: \$ _____

2. Land use fee:

2a. Subdivision, campgrounds, cabins mobile home parks,
and multi-family dwelling where the units are located
in the same local watershed. \$ _____

2b. Multi-family dwelling where the designated open space
is located in a different local watershed from the
proposed units. \$ _____

2c. Commercial / Industrial. \$ _____

3. Relative amount of earth disturbance:

3a. Residential:

New road <500 lineal feet \$ _____

New road 500 -2,640 lineal feet \$ _____

New road >2,640 lineal feet \$ _____

3b. Commercial/industrial and other:

Impervious area <3,500 square feet \$ _____

Impervious area 3,500-43,460 square feet \$ _____

Impervious area >43,560 square feet \$ _____

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4. Relative size of project:

4a. Total tract area:

<1 acres	\$ _____
1-5 acres	\$ _____
5-25 acres	\$ _____
25-100 acres	\$ _____
100-200 acres	\$ _____
>200 acres	\$ _____

5. Stormwater control measures:

5a. Detention basins & other controls which require a review of hydraulic routings. (\$ per control): \$ _____

5b. Other control facilities which require storage volume calculations but no hydraulic routings. (\$ per control): \$ _____

6. Site inspection. (\$ per inspection) \$ _____

7. Total (initial review fee): \$ _____

All subsequent reviews shall be 1/4 the amount of the initial review fee unless a new application is required as per Section 405 of the Cooke Township Stormwater Management Ordinance. A new fee shall be submitted with each revision in accordance with this schedule.