

BOROUGH OF CHURCHILL  
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 710

AN ORDINANCE AMENDING THE STORM WATER MANAGEMENT REQUIREMENTS OF THE CHURCHILL BOROUGH CODE, BY REVISING AND ADDING VARIOUS SECTIONS THERETO TO COMPLY WITH THE FEDERAL AND STATE STORM WATER MANAGEMENT POLICIES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Borough Council of the Borough of Churchill, regularly assembled, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same, that: the said Borough Code is revised as set forth herein.

1. Add the following definitions to Section 260-1:

BMP (Best Management Practice) – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance.

REGULATED EARTH DISTURBANCE ACTIVITY – Earth disturbance activity of one acre or more with a point source discharge to surface waters or the Borough’s storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more of earth disturbance.

STATE WATER QUALITY REQUIREMENTS – As defined under state regulations – protection of *designated* and *existing* uses (See 25 Pa. Code Chapters 93 and 96), including:

- A. Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in 25 Pa. Code, Chapter 93. These uses must be protected and maintained under state regulations.
- B. “Existing uses” are those attained as of November 1975, regardless of whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect those uses and to maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be impacted by the addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface areas from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway to protect against these impacts.

2. Section 260-3 (B)(3) shall be replaced with the following section:

**(3) Prohibition Against Non-Storm Water Discharges**

- a. No person in the Borough shall allow, or cause to allow, storm water discharges into the Borough’s separate storm sewer system which are not composed entirely of storm water, except (1) as provided in Subsection (b) below, and (2) discharges allowed under a state or federal permit.
- b. Discharges which may be allowed, based on a finding by the Borough that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:

[1] Discharges from fire fighting activities

[2] Uncontaminated water from foundation or from footing drains

- [3] Potable water sources including dechlorinated water line and fire hydrant flushings
- [4] Flows from riparian habitats and wetlands
- [5] Irrigation drainage
- [6] Lawn watering
- [7] Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
- [8] Routine external building washdown (which does not include detergents or other compounds)
- [9] Air conditioning condensate
- [10] Water from individual residential car washing
- [11] Dechlorinated swimming pool discharges
- [12] Springs
- [13] Uncontaminated groundwater
- [14] Water from crawl space pumps

- c. In the event that the Borough determines that any of the discharges identified in Subsection (b) significantly contribute to pollution of waters of the Commonwealth, or is so notified by PADEP, the Borough will notify the responsible person to cease the discharge.
- d. Upon notice provided by the Borough under Subsection (c), the discharger will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.
- e. Nothing in this Section shall affect a discharger's responsibilities under state law.

3. New Section 260-3 (B)(4) shall be added as follows:

**4. Prohibited Connections**

The following connections are prohibited, except as provided in Subsection 3 above:

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

4. Replace existing Section 260-5 with the following:

**§ 260-5. Erosion and Sedimentation Controls**

- A. No Regulated Earth Disturbance activities within the Borough shall commence until approval by the Borough of an Erosion and Sedimentation Control Plan for construction activities.
- B. The Pennsylvania Department of Environmental Protection (PADEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- C. In addition, under 25 Pa. Code Chapter 92, a PADEP "NPDES Construction Activities" permit is required for any earth disturbance one acre or more with a point source discharge to surface waters or the Borough's storm sewer system, or five acres or more regardless of the planned runoff (hereinafter collectively referred to as "Regulated Earth Disturbance Activities"). This includes earth

- D. disturbance on any portion of, part of, or during any stage of, a larger common plan of development.
  - E. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or the Allegheny County Conservation District must be provided to the Borough. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of Subsection C.
  - F. The Erosion and Sediment Control Plan shall be submitted with the Stormwater Management Plan as part of the preliminary and final applications.
  - G. A copy of the Erosion and Sediment Control Plan and any required permits, as required by PADEP regulations, shall be available at the project site at all times.
5. New Section 260-7 (D) shall be added as follows:
- D. State Water Quality Requirements
    - (1) No Regulated Earth Disturbance activities within the Borough shall commence until approval by the Borough of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
    - (2) Best Management Practices (BMPs) must be designed to protect and maintain existing uses (e.g., drinking water use; cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in "Special Protection" streams, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to herein as "State Water Quality Requirements").
    - (3) To control post-construction storm water impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction storm water infiltration and runoff conditions, so that post-construction storm water discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
      - (a) Infiltration: replication of pre-construction storm water infiltration conditions,
      - (b) Treatment: use of water quality treatment BMPs to ensure filtering out of chemical and physical pollutants from the storm water runoff, and
      - (c) Streambank and Streambed Protection: management of volume and rate of post-construction storm water discharges to prevent physical degradation of receiving waters (e.g., from scouring and erosion).
    - (4) PADEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices ("BMPs") that control runoff from new development and redevelopment (hereinafter "development") after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction storm water BMPs with assurance of long-term operations and maintenance of those BMPs.
    - (5) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate PADEP regional office or the Allegheny County Conservation District must be provided to the Borough. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of Subsection (1).

This Ordinance shall become effective immediately upon enactment.  
ORDAINED AND ENACTED this 10<sup>th</sup> day of March, 2009.

BOROUGH OF CHURCHILL

By   
Vice President of Council

ATTEST:

  
Secretary

EXAMINED AND APPROVED this 10<sup>th</sup> day of March, 2009.

  
Mayor