

ORDINANCE #2017-175

AN ORDINANCE OF HEIDELBERG TOWNSHIP, BERKS COUNTY, AMENDING ORDINANCE 132 TULPEHOCKEN CREEK WATERSHED STORMWATER MANAGEMENT ORDINANCE FOR MS4 COMPLIANCE.

WHEREAS, the Board of Supervisors of Heidelberg Township, Berks County, Pennsylvania, finds that it is necessary to amend the Tulpehocken Creek Watershed Stormwater Management Ordinance, Ordinance 132, to meet the requirements of their NPDES MS4 permit.

NOW, THEREFORE, it is enacted and ordained by authority of the Board of Supervisors of Heidelberg Township, that the Tulpehocken Creek Watershed Stormwater Management Ordinance, Ordinance 132, is hereby amended as follows:

Section 1. Article I, General Provisions, Section 101 Statement of findings, is amended to add the following subsections:

- "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 this municipality to implement a program of stormwater controls and obtain a permit for stormwater discharges from their Municipal Separate Storm Sewer Systems (MS4) under the National Pollutant Discharge Elimination System (NPDES).
- E. A program of reasonable regulation of connections and discharges to municipal stormwater management facilities will be beneficial.
- F. Inadequate maintenance of stormwater best management practices (BMPs) causes loss of water quality, flooding and other problems."

Section 2. Article I, General Provisions, Section 102 Purpose, is amended by:

- a. Deleting the existing language in subsection "F" in its entirety and replacing it with the following "F. Provide procedures and standards for proper operation and maintenance of stormwater management BMPs." and
- b. Adding the following three subsections:
 - "H. Meet NPDES MS4 permit requirements.
 - I. 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.
 - J. Prevent scour and erosion of stream banks and streambeds."

Section 3. Article I, General Provisions, Section 103 Statutory Authority is amended by deleting the existing language in its entirety and replacing it with:

"The Municipality is empowered or required to regulate land use activities that affect runoff and surface and groundwater quality and quantity by the authority of:

A. 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" (hereinafter referred to as "the Act");

B. Second Class Township Code, 53 P.S. Sections 65101 et seq.;

C. Act of July 31, 1968, P.L. 805, No. 247, 53 P.S. Section 10101, et seq., as amended, the Pennsylvania Municipalities Planning Code, Act 247 hereinafter referred to as the "MPC")."

Section 4. Article I, General Provisions is amended add Section 108 to read:

"Section 108. Erroneous Permit

Erroneous Permit - Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township purporting to validate such a violation."

Section 5. Article II, Definitions, is amended by

- a. Amending the following definitions in their entirety to read as follows:
 - i. "BMP (Best Management Practice) – 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 "nonstructural". In this Ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.
 - ii. Regulated Activity – any activity that may affect stormwater runoff and any activities that may contribute non-stormwater discharges to a regulated small MS4.

- iii. Stormwater – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.”
- b. Adding the following definitions, in alphabetical order:
 - i. “DEP – The Pennsylvania Department of Environmental Protection
 - ii. State Water Quality Requirements – The regulatory requirements to protect, maintain, reclaim and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.”

Section 6. Article III, Design Criteria for Stormwater Management Facilities, General Requirements, is amended by adding subsections “K” and “L” to read:

“K. Earth disturbance activity must meet all requirements of 25 Pa. Code §102.

L. Discharging of non-stormwater related discharges into any stormwater conveyance system or into any Waters of the Commonwealth and connecting of any non-stormwater conveyance to a stormwater conveyance is prohibited except as otherwise permitted by Ordinance #174, enacted March 30, 2017, the Heidelberg Township Prohibitions Ordinance.”

Section 7. All other provisions, parts and sections of Ordinance 132, the Tulpehocken Creek Watershed Stormwater Management Ordinance, as heretofore enacted and ordained shall remain in full force and effect.

Section 8. THESE AMENDMENTS SHALL TAKE EFFECT AS PROVIDED FOR BY LAW.

ENACTED and ORDAINED this 27 day of July, 2017.

ATTEST:

Cheryl Bowers
Cheryl Bowers, Secretary

BOARD OF SUPERVISORS
OF HEIDELBERG TOWNSHIP

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David P. Randler, Chairman

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