

**COOLBAUGH TOWNSHIP
MUNICIPAL CENTER**

5520 MUNICIPAL DRIVE, TOBYHANNA, PA. 18466

(570) 894-8490 * FAX (570) 894-8413

WWW.COOLBAUGHTWP.ORG

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

Work Session

November 20, 2024, 6:30PM

1. Discussion on Proposed Stormwater Management Ordinance Amendments

2. Public Comment

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF COOLBAUGH
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COOLBAUGH TOWNSHIP
STORMWATER MANAGEMENT AND EARTH DISTURBANCE
ORDINANCE AT CHAPTER 344 OF THE CODE OF ORDINANCES OF
COOLBAUGH TOWNSHIP IN ITS ENTIRETY TO READ AS SET FORTH
HEREIN.**

WHEREAS, Coolbaugh Township has previously ordained and enacted an ordinance entitled the Coolbaugh Township Stormwater Management and Earth Disturbance Ordinance found at Chapter 344 of the Coolbaugh Township Code of Ordinances; and

WHEREAS, the Board of Supervisors of Coolbaugh Township believes that it is in the best interest of the Township and the residents of the Township to amend the Coolbaugh Township Stormwater Management and Earth Disturbance Ordinance by amending and replacing all of Chapter 344 of the Coolbaugh Township Code of Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania, that Chapter 344, Stormwater Management and Earth Disturbance, of the Coolbaugh Township Code of Ordinances is hereby amended and replaced in its entirety as follows:

SECTION I.

Chapter 344, Stormwater Management and Earth Disturbance, of the Coolbaugh Township Code of Ordinances is hereby amended and replaced in its entirety as follows:

Chapter 344. Stormwater Management and Earth Disturbance

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Chapter 344

Stormwater Management and Earth Disturbance

ARTICLE I- GENERAL PROVISIONS

§344-1. Statement of Findings

The Board of Supervisors of Coolbaugh Township finds that:

- A. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater, undermines floodplain management and flood reduction efforts in upstream and downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety, welfare, and the protection of the people of Coolbaugh Township and all the people of the Commonwealth, their resources, and the environment.
- C. Inadequate management of accelerated stormwater runoff resulting from development throughout a watershed poses a threat to surface and groundwater quality.
- D. Through project design, impacts from stormwater runoff can be minimized to maintain the natural hydrologic regime, and sustain high water quality, groundwater recharge, stream baseflow and aquatic ecosystems. The most cost effective and environmentally advantageous way to manage storm water runoff is through nonstructural project design, minimizing impervious surfaces and sprawl, avoiding sensitive areas (i.e., buffers, floodplains, steep slopes), and designing to topography and soils to maintain the natural hydrologic regime.

§344-2. Purpose

The purpose of this Chapter is to promote the public health, safety, and welfare within Coolbaugh Township by maintaining the natural hydrologic regime and minimizing the impacts described in Section 344-1 of this Chapter through provisions designed to:

- A. Promote alternative project designs and layout that minimizes impacts to surface and ground water.
- B. Promote nonstructural BMP's.
- C. Minimize increases in stormwater volume.
- D. Minimize impervious surfaces.
- E. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause these problems during construction.
- F. Utilize and preserve the existing natural drainage systems.

- G. Encourage recharge of groundwater where appropriate and prevent degradation of groundwater quality.
- H. Address the quality and quantity of stormwater discharges from the development site.
- I. Maintain existing baseflow and quality of streams and watercourses in the Municipality and the Commonwealth
- J. Preserve the flood carrying capacity of streams.
- K. Provide proper maintenance of all permanent stormwater management facilities that are constructed in the Municipality.
- L. Provide performance standards and design criteria for watershed-wide stormwater management and planning.

§344-3. Statutory Authority

The Municipality is empowered to regulate land use activities that affect runoff, surface and groundwater quality and quantity by the authority of the Act of October 4, 1978 32 P.S., P.L. 864 (Act 167) Section 680.1 et seq., as amended, the "Stormwater Management Act" (hereinafter referred to as "the Act"), and the Water Resources Management Act of 2002, as amended, Municipalities Planning Code, Act of 1968, P.L.805, No.247, as amended, and the Second Class Township Code, 53 PS Section 66501 et seq., 66601 et seq.

§344-4. Applicability/Regulated Activities

This Chapter shall apply to the entire Township.

This Chapter shall only apply to permanent nonstructural and structural stormwater management Best Management Practices (BMP's) constructed as part of any of the "Regulated Activities" listed in this Section.

This Chapter contains only the stormwater management performance standards and design criteria that are necessary or desirable from a watershed-wide perspective. Local stormwater management design criteria (e.g., inlet spacing, inlet type, collection system design and details, outlet structure design, etc.) shall continue to be regulated by the applicable Municipal Ordinances and applicable State Regulations.

The Municipality may, after consultation with Pennsylvania Department of Environmental Protection (PaDEP) or the Monroe County Conservation District (MCCD), approve alternative methods for meeting the State Water Quality Requirements other than those in this Chapter, provided that they meet the minimum requirements of, and do not conflict with, State law including but not limited to the Clean Streams Law and the Pennsylvania Stormwater BMP Manual as revised.

The following activities are defined as "Regulated Activities" and shall be regulated by this Chapter:

- A. Land development.
- B. Subdivisions.
- C. Construction of/or additional impervious or semi-pervious surfaces (driveways, parking lots, roads).

- D. Construction of new buildings or additions to existing buildings.
- E. Redevelopment of a site which will increase runoff or change a discharge point. Any redevelopment that does not increase the runoff must still comply with Sections 344-10 (Water Quality and Streambank Erosion Requirements) and 344-11 (Ground Water Recharge).
- F. Diversion piping or encroachments in any natural channel.

§344-5. Compatibility with Other Ordinance Requirements

Approvals issued pursuant to this Chapter do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

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ARTICLE II-DEFINITIONS

§344-6. Interpretation.

For the purposes of this Chapter, 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 word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, unit of government, or any other similar entity.
- D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
- E. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".

§344-7- Definitions

Accelerated Erosion - The removal of the surface of the land through the combined action of human activity and the natural processes of a rate greater than would occur because of the natural process alone.

Agricultural Activities - The work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. For purposes of regulation by this Ordinance 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.

Applicant - A person who has filed an application for approval to engage in any "Regulated Activities" as defined in Section 344-4 of this Chapter.

Bankfull - The channel at the top-of-bank or point where water begins to overflow onto a floodplain.

Base Flow - The portion of stream flow that is sustained by ground water discharge.

Bioretention - A storm water retention area which utilizes woody and herbaceous plants and soils to remove pollutants before infiltration occurs.

Best Management Practice (BMP) - Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities. Stormwater structures, facilities and techniques to control, maintain or improve the quantity and quality of surface runoff and groundwater recharge. (Also referred to as 'Stormwater Control Measures' (SCMs)).

BMP Manual - Pennsylvania Stormwater Best Management Practices Manual (Stormwater BMP Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No 363-0300-002 (December 2006), as amended and updated.

Board of Supervisors – Coolbaugh Township Board of Supervisors.

Buffer - The area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream.

Channel Erosion - The widening, deepening, and headward cutting of small channels and waterways, caused by stormwater runoff or bankfull flows.

Cistern - An underground reservoir or tank for storing rainwater.

Conservation District - The Monroe County Conservation District (MCCD).

Consumptive Water Use - That part of water removed from the immediate water environment not available for other purposes such as water supply, maintenance of stream flows, water quality, fisheries and recreation, as opposed to water that is used non-consumptively, which is returned to a surface water, where practicable, and/or to groundwater.

Culvert - A structure with appurtenant works, which carries water under or through an embankment or fill.

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.

Department - The Pennsylvania Department of Environmental Protection (PaDEP).

Designee - The agent of the Monroe County Planning Commission, Monroe County Conservation District 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.

Design Professional (Qualified) - A Pennsylvania Registered Professional Engineer, Registered Landscape Architect or a Registered Professional Land Surveyor trained to develop stormwater management plans.

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.

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

Development Site - The specific tract of land for which a Regulated Activity is proposed.

Diffused Drainage Discharge - Drainage discharge not confined to a single point location or channel, such as sheet flow or shallow concentrated flow.

Disturbed Areas - Unstabilized land area where an earth disturbance activity is occurring or has occurred.

Downslope Property Line - That portion of the property line of the lot, tract, or parcels of land being developed located such that overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility - A Stormwater Management facility designed to transmit stormwater runoff and shall include channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement - A right granted by a Grantor to a Grantee, allowing the use of private land for stormwater management purposes.

Drainage Permit - A permit issued by the Municipality after the drainage plan has been approved.

Drainage Plan - The documentation of the stormwater management system, if any, to be used for a given development site, the contents of which are established in Section 344-18.

Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Emergency Spillway - A conveyance area that is used to pass peak discharge greater than the maximum design storm controlled by the storm water facility.

Encroachment - A structure or activity that changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

Erosion - The natural process by which the surface of the land is worn away by water, wind or chemical action.

Erosion and Sediment Control Plan - A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities. (ESCP)

Exceptional Value Waters - Surface waters of high quality which satisfy Pennsylvania Code Title 25 Environmental Protection, Chapter 93, Water Quality Standards, § 93.4b(b) (relating to anti-degradation).

Existing Conditions - The initial condition of a project site prior to the proposed alteration. If the initial condition of the site is undeveloped land, the land use shall be considered as "meadow" unless the natural land cover is proven to generate lower Curve Numbers (CN) or Rational "C" value.

FEMA - The Federal Emergency Management Agency.

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

Floodplain - The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

Floodway - The channel of the watercourse and those portions of the adjoining floodplains, which are reasonably required to carry and discharge the 100-year frequency 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 frequency 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 forest land with no change of land use proposed. These include timber inventory and preparation

of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting and reforestation.

Freeboard - A vertical distance between the elevation of the design high-water and the top of a dam, levee, tank, basin, swale, or diversion berm. The space is required as a safety margin in a pond or basin.

Grade - A slope, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

Grassed Waterway - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water.

Groundwater Recharge - Replenishment of existing natural underground water supplies without degrading groundwater quality.

HEC-HMS - The U.S. Army Corps of Engineers, Hydrologic Engineering Center (HEC) - Hydrologic Modeling System (HMS) computer program.

High Quality Waters - Surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying Pennsylvania Code Title 25 Environmental Protection, Chapter 93 Water Quality Standards, § 93.4b(a).

Hydrologic Regime (natural) - The hydrologic cycle or balance that sustains quality and quantity of storm water, baseflow, storage, and groundwater supplies under natural conditions.

Hydrologic Soil Group - A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Impervious Surface - A surface that prevents the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking.

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

Infill - Development that occurs on smaller parcels that remain undeveloped but are within or very close proximity to urban areas. The development relies on existing infrastructure and does not require an extension of water, sewer or other public utilities.

Infiltration - For stormwater to pass through the soil from the surface.

Infiltration Structures - A structure designed to direct runoff into the underground water (e.g., French drains, seepage pits, seepage trench, etc.).

Inlet - The upstream end of any structure through which water may flow.

Land Development - as defined within the Subdivision and Land Development Ordinance.

Limiting zone - A soil horizon or condition in the soil profile or underlying strata which includes one of the following:

- (i) A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.

- (ii) A rock with open joints, fracture or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- (iii) A rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of water.

Lot - A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial, institutional or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows.

Main Stem (Main Channel) - Any stream segment or other runoff conveyance facility used as a reach in a watercourses hydrologic model.

Management District - Those subareas in which some type of detention is required to meet the plan requirements and the goals of Act 167.

Manning Equation (Manning formula) - A method for calculation of the velocity of flow (e.g., feet per second) and flow rate (e.g., cubic feet per second) in open channels based upon channel shape, roughness, depth of flow and slope. "Open channels" may include closed conduits so long as the flow is not under pressure.

Municipality – Coolbaugh Township, Monroe County, Pennsylvania. See Township.

Natural Hydrologic Regime - see Hydrologic Regime (natural)

Non-point Source Pollution - Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

Nonstructural BMPs - Methods of controlling stormwater runoff quantity and quality, such as innovative site planning, impervious area and grading reduction, protection of natural depression areas, temporary ponding on site and other techniques.

NRCS - Natural Resource Conservation Service (previously SCS).

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

Outfall - Point where water flows from a conduit, stream, or drain.

Outlet - Points of water disposal from a stream, river, lake, tidewater or artificial drain.

Parent Tract - The parcel of land from which a land development or subdivision originates, existing as of the date of municipal adoption of the original Coolbaugh Township Stormwater Management Ordinance.

Parking Lot Storage - The use of parking areas as temporary impoundments with controlled release rates during rainstorms.

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

Penn State Runoff Model (calibrated) - The computer-based hydrologic modeling technique adapted to watersheds for the Act 167 Plans. The model has been "calibrated" to reflect actual recorded flow values by adjoining key model input parameters.

PennDOT - Pennsylvania Department of Transportation.

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

Planning Commission - The Planning Commission of Coolbaugh Township.

PMF - Probable Maximum Flood - The flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in any area. The PMF is derived from the probable maximum precipitation (PMP) as determined based on data obtained from the National Oceanographic and Atmospheric Administration (NOAA).

Practicable Alternative - An alternative that is available and capable of being implemented after taking into consideration cost, existing technology and logistics in light of overall project purposes.

Predevelopment - Undeveloped/Natural Condition. See Existing Conditions.

Pretreatment - Techniques employed in structural and nonstructural stormwater BMPs to provide storage or filtering to help trap coarse materials and other pollutants before they enter the system, but not necessarily meet the water quality volume requirements of Section 344-10.

Rational Formula - A rainfall-runoff relation used to estimate peak flow.

Recharge Area - Undisturbed surface area or depression where stormwater collects, and a portion of which infiltrates and replenishes the underground and groundwater.

Record Drawings - Original documents revised to suit the as-built conditions and subsequently provided by the Design Professional (Qualified) to the Applicant. The Design Professional takes the Contractor's as-builts, reviews them in detail with his/her own records for completeness, then either turns these over to the Applicant or transfers the information to a set of reproducibles, in both cases for the Applicant's permanent records."

Redevelopment - Any construction, alteration, or improvement exceeding 5,000 square feet of impervious surface on sites where existing land use is commercial, industrial, institutional, or multifamily residential.

Regulated Activities - Actions or proposed actions that have an impact on stormwater runoff quality and quantity and that are specified in Section 344-4 of this Ordinance.

Release Rate - The reduction of post development peak rates of runoff from a site or subarea to existing conditions peak rates of runoff to protect downstream areas.

Retention Basin - A structure in which stormwater is stored and not released during the storm event. Retention basins do not have an outlet other than recharge and must infiltrate stored water in no more than 4 days.

Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to recur.

Riser - A vertical pipe extending from the bottom of a pond that is used to control the discharge rate from the pond for a specified design storm.

Rooftop Detention - Temporary ponding and gradual release of stormwater falling directly onto flat roof surfaces by incorporating controlled-flow roof drains into building designs.

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

SALDO - Subdivision and Land Development Ordinance.

Sediment Basin - A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other material transported by water during construction.

Sediment Pollution - The placement, discharge or any other introduction of sediment into the waters of the Commonwealth.

Sedimentation - The action or process of forming or depositing sediment in waters of this Commonwealth.

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 underground and groundwater.

Sheet Flow - Runoff that flows over the ground surface as a thin, even layer.

Soil-Cover Complex Method - A method of runoff computation developed by the NRCS that is based on relating soil type and land use/cover to a runoff parameter called Curve Number (CN).

Source Water Protection Areas (SWPA) - The zone through which contaminants, if present, are likely to migrate and reach a drinking water well or surface water intake.

Special Protection Watersheds - Watersheds for which the receiving waters are exceptional value (EV) or high quality (HQ) waters.

Spillway - A conveyance that is used to pass the peak discharge of the maximum design storm controlled by the stormwater facility.

Storage Indication Method - A reservoir routing procedure based on solution of the continuity equation (inflow minus outflow equals the change in storage) with outflow defined as a function of storage volume and depth.

Storm Frequency - The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

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.

Stormwater - Runoff from precipitation, snowmelt, surface runoff and drainage.

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

Stormwater Management Plan - The plan for managing those land use activities that will influence stormwater runoff quality and quantity and that would impact watercourses adopted by Monroe County as required by the Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Watershed Act 167 Stormwater Management Plan".

Stormwater Management Site Plan - The plan prepared by the Applicant or his representative indicating how stormwater runoff will be managed at the particular site of interest according to this Ordinance.

Stream - A watercourse.

Stream Enclosure - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

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

Subdivision - as defined within the Subdivision and Land Development Ordinance.

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

Timber Operations - See Forest Management.

Time-of-Concentration (Tc) - 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.

Township – Coolbaugh Township, Monroe County, Pennsylvania.

Vernal Pond – a temporary wetland that fills after the snowfall each spring. They are formed seasonally in shallow ground depressions from spring snowmelt, precipitation, and rising water tables. They are the seasonal breeding and feeding grounds for many amphibians and insects, as well as the reptiles, birds, and mammals that depend on them for food. (also known as ‘vernal pools’ or ‘ephemeral pools’.)

Watercourse - A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Waters of the 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.

Wellhead - The point at which a groundwater well bore hole meets the surface of the ground.

Wellhead Protection Area - The surface and subsurface area surrounding a water supply well, well field, spring or infiltration gallery supplying a public water system, through which contaminants are reasonably likely to move toward and reach the water source.

Wetland - 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, and similar areas.

ARTICLE III-STORMWATER MANAGEMENT

§344-8. General Requirements

- A. Applicants proposing Regulated Activities in Coolbaugh Township which do not fall under the exemption criteria shown in Section 344-17 shall submit a Drainage/Stormwater Management Plan consistent with this Chapter to the Municipality for review. These criteria shall apply to the total proposed development even if development is to take place in stages.
- B. The Applicant is required to perform an alternatives analysis to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime.
- C. The Drainage/Stormwater Management Plan must be designed through an alternatives analysis consistent with the sequencing provisions of Section 344-9 to ensure maintenance of the natural hydrologic regime and to promote groundwater recharge and protect groundwater and surface water quality and quantity. The Drainage/Stormwater Management Plan designer must proceed sequentially in accordance with Article III of this Chapter.
- D. Stormwater drainage systems shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities or open channels consistent with this Chapter.
- E. The existing points of concentrated drainage that discharge onto adjacent property shall not be altered in any manner which could cause property damage without permission of the affected property owner(s) and shall be subject to any applicable discharge criteria specified in this Chapter.
- F. 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 Chapter. If diffused drainage discharge is proposed to be concentrated and discharged onto adjacent property, the Applicant must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other impacts will result from the concentrated discharge.
- G. Where a development site is traversed by existing watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall conform to the stream buffer requirements contained in Section 344-10.I.7 of this Chapter.
- H. Any stormwater management facilities regulated by this Chapter that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PaDEP through the Joint Permit Application process, or, where deemed appropriate by PaDEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Applicant or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PaDEP.
- I. Any stormwater management facilities regulated by this Chapter that would be located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

- J. Infiltration of runoff through seepage beds, infiltration trenches, etc., where soil conditions permit, and the minimization of impervious surfaces to the extent permitted by the Municipality's Zoning Ordinance, are encouraged to reduce the size or eliminate the need for detention facilities or other structural BMPs.
- K. Roof drains shall not be connected to streets, sanitary or storm sewers, or roadside ditches in order to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. Considering potential pollutant loading, roof drain runoff in most cases will not require pretreatment.
- L. All stormwater runoff, other than roof top runoff discussed in Section K. above, shall be treated for water quality prior to discharge to surface or groundwater.

§344-9. Non-Structural Project Design (Sequencing to Minimize Stormwater Impacts)

- A. The design of all Regulated Activities shall include the following steps in sequence to minimize stormwater impacts.
 - 1. The Applicant is required to find practicable alternatives to the surface discharge of stormwater, the creation of impervious surfaces and the degradation of waters of the Commonwealth and must maintain as much as possible the natural hydrologic regime of the site.
 - 2. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.
 - 3. All practicable alternatives to the discharge of stormwater are presumed to have less adverse impact on quantity and quality of waters of the Commonwealth unless otherwise demonstrated.
- B. The Applicant shall demonstrate that they designed the Regulated Activities in the following sequence to minimize the increases in stormwater runoff and impacts to water quality:
 - 1. Prepare an Existing Resource and Site Analysis Map (ERSAM), showing environmentally sensitive areas including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal ponds, flood plains, buffer areas, hydrologic soil groups A and B (areas conducive to infiltration), any existing recharge areas and any other requirements outlined in the municipal Subdivision and Land Development Ordinance.
 - 2. Establish buffers in accordance with Section 344-10.I.
 - 3. Prepare a draft project layout avoiding earth disturbance in sensitive areas identified in Section 344-9.B.1 and minimizing total site earth disturbance as much as possible. The ratio of the disturbed area to the entire site area and measures taken to minimize earth disturbance shall be included on the ERSAM.
 - 4. Identify site specific predevelopment drainage areas, discharge points, recharge areas to be preserved and hydrologic soil groups A and B to be utilized for recharge.
 - 5. Evaluate Nonstructural Stormwater Management Alternatives

- a. Minimize earth disturbance.
 - b. Minimize impervious surfaces.
 - c. Break up large impervious surfaces.
6. Satisfy the Water Quality and Streambank Erosion Requirements outlined in Section 344-10.
 7. Satisfy Groundwater Recharge (infiltration) requirements of Section 344-11 and provide for stormwater treatment prior to infiltration.
 8. Determine the Management District where the site is located (Appendix D) and conduct a predevelopment runoff analysis.
 9. Prepare final project design to maintain predevelopment discharge points, to minimize earth disturbance and impervious surfaces, and to reduce runoff to the maximum extent possible.
 10. Conduct a post development runoff analysis based on the final design and meet the release rate, the overbank flow and extreme event requirements of Section 344-12.
 11. Manage any remaining runoff through treatment prior to discharge, as part of detention, bioretention, direct discharge or other structural control.

§344-10. Water Quality and Streambank Erosion Requirements

In addition to the performance standards and design criteria requirements of this Chapter, the Applicant SHALL comply with the following water quality requirements of this Article.

- A. For water quality and streambank erosion, the objective is to design a water quality BMP to detain the proposed conditions 2-year, 24-hour design storm to the existing conditions 1-year flow using the SCS Type II distribution. Additionally, provisions shall be made (such as adding a small orifice at the bottom of the outlet structure) so that the proposed conditions 1- year storm takes a minimum of 24 hours to drain from the facility from a point where the maximum volume of water from the 1-year storm is captured. (i.e., the maximum water surface elevation achieved in the facility.) At the same time, the objective is not to attenuate the larger storms in “no detention” areas (District C). This can be accomplished by configuration of the outlet structure not to control the larger storms, or by a bypass or channel to divert only the 2-year design storm into the basin or divert flows in excess of the 2-year storm away from the basin.

Where practicable, wet basins shall be utilized for water quality control and shall meet the requirements found in the PA Stormwater BMP manual as revised.

Release of water can begin at the start of the storm (i.e., the invert of the water quality orifice is at the invert of the facility). The design of the facility shall consider and minimize the chances of clogging and sedimentation. Orifices smaller than 3 inches diameter are not recommended. However, if the Design Professional can provide proof that the smaller orifices are protected from clogging by use of trash racks, etc., smaller orifices may be permitted.

- B. Where an NPDES permit for stormwater discharges associated with construction activities is required, the water quality requirements of that permit should be used. However, the buffer provisions listed below shall be applied to all applications.
- C. In selecting the appropriate BMPs or combinations thereof, the Applicant SHALL consider the following:
1. Total contributing area.
 2. Permeability and infiltration rate of the site soils.
 3. Slope and depth to bedrock.
 4. Depth to seasonal high water table.
 5. Proximity to building foundations and well heads.
 6. Erodibility of soils.
 7. Land availability and configuration of the topography.
 8. Peak discharge and required volume control.
 9. Stream bank erosion.
 10. Efficiency of the BMPs to mitigate potential water quality problems.
 11. The volume of runoff that will be effectively treated.
 12. The nature of the pollutant being removed.
 13. Maintenance requirements.
 14. Creation/protection of aquatic and wildlife habitat.
 15. Recreational value.
- D. The temperature and quality of water and streams shall be maintained through the use of temperature sensitive BMPs and stormwater conveyance systems.
- E. The Applicant shall consider the guidelines found in the PaDEP BMP Manual (latest edition) for constructed wetlands, where proposed.
- F. Pretreatment in accordance with Sections 344-8.K and 344-8.L shall be provided prior to infiltration.
- G. Streambank restoration projects shall include the following:
1. No restoration or stabilization projects may be undertaken without examining the fluvial geomorphology of stable reaches above and below the unstable reach.
 2. Restoration project design must consider maintenance of stability in the adjacent stable reaches of the stream channel.

3. An Erosion and Sediment Control Plan approved by the Conservation District must be provided by the Applicant.
 4. All applicable State and Federal permits must be obtained.
- H To accomplish the above, the Applicant SHALL submit original and innovative designs to the Municipality's Engineer for review and approval. Such designs may achieve the water quality objectives through a combination of BMPs (Best Management Practices).
- I Buffers
1. In addition to the other requirements of Section 344-10, buffers shall be provided in accordance with this Section.
 2. Where resource buffers overlap, the more restrictive requirements shall apply.
 3. Pre-existing Lots or Parcels/Development in Outer Buffers - In the case of legally pre-existing lots or parcels (approved prior to the effective date of this Chapter) where the useable area of a lot or parcel lies within an outer buffer area, rendering the lot or parcel unable to be developed in accordance with the allowable use per the Coolbaugh Township Zoning Ordinance, the development may only be permitted by variance as provided in the Coolbaugh Township Zoning Ordinance.
 4. Improvements to Existing Structures in Outer Buffers - The provisions of this Section 344-10.I do not require any changes or improvements to be made to lawfully existing structures in buffers. However, when any substantial improvement to a structure is proposed which results in a horizontal expansion of that structure, the improvement may only be permitted by variance as provided in the Coolbaugh Township Zoning Ordinance.
 5. Wetlands and Vernal Ponds
 - a. Wetland Identification – wetlands shall be identified in accord with the most current U.S. Army Corps of Engineers Manual for Identifying and Delineating Wetlands, properly flagged and surveyed on site to ensure they are protected.
 - 1) Wetlands in an artificial watercourse – wetlands contained within the banks of an artificial watercourse shall not be considered for buffer delineation purposes.
 - 2) Wetlands in a natural watercourse – where wetlands are contained within the banks of a natural watercourse, only the stream buffer shall apply.
 - b. Wetland and Vernal Pond Buffer Delineation – A 150 foot inner buffer and 150 foot outer buffer, measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond for a total distance of 300 feet, shall be maintained for all wetlands and vernal ponds.

- i. Inner Buffer – Measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond, for a distance of 150 feet.
 - Stormwater conveyance required by Coolbaugh Township, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by PaDEP and passive unpaved stable trails shall be permitted. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
 - The area of the inner buffer altered by activities permitted in accord with Section 344-10.I.5.b.i shall be minimized to the greatest extent practicable.
 - ii. Outer Buffer – Measured perpendicular to and horizontal from the outer edge of the inner buffer for a distance of 150 feet, resulting in a total buffer of 300 feet.
 - Stormwater conveyance required by Coolbaugh Township, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by PaDEP, roads constructed to existing grade, unpaved trails, and limited forestry activities that do not clear cut the buffer (e.g. selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved, and those activities permitted under Sections 344-10.I.3 and 344-10.I.4.
 - No more than twenty percent (20%) of the cumulative outer buffer on the subject parcel shall be altered by the activities permitted in accordance with Section 344-10.I.5.b.ii.
6. Lakes and Ponds
 - a. There is no required outer buffer around lakes and ponds.
 - b. Lake and Pond Buffer Delineation – A 150 foot buffer measured perpendicular to and horizontally from the edge of water shall be maintained around any lake, pond and/or similar body of water.
 - c. Permitted Activities/Development - Stormwater conveyance required by Coolbaugh Township, buffer maintenance and restoration, the correction of hazardous conditions, lake front views, boat docks and unpaved trails shall be permitted provided no buildings are involved.
 - d. The area of the buffer impacted by activities permitted in Section 344-10.I.6.c. shall not exceed thirty-five percent (35%) of the buffer on the subject parcel.
7. Streams

- a. Stream Buffer Delineation – A 150 foot inner buffer and 150 foot outer buffer, measured perpendicular to and horizontally from the top-of-bank on both sides of any stream, for a total distance of 300 feet, shall be maintained on both sides of any stream. See Figure 344-10.1.
- i. Inner Buffer – Measured perpendicular to and horizontally from the top-of- bank of the stream for a distance of 150 feet.
- Stormwater conveyance required by Coolbaugh Township, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by PaDEP, fish hatcheries, wildlife sanctuaries and boat launch sites constructed so as not to alter the flood plain cross section, and unpaved trails shall be permitted providing no buildings are involved. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
 - The area of the inner buffer altered by activities permitted in accord with Section 344-10.I.7.a.i shall be minimized to the greatest extent practicable.
- ii. Outer Buffer – Measured perpendicular to and horizontally from the outer edge of the inner buffer for a distance of 150 feet resulting in a total buffer of 300 feet.
- Stormwater conveyance required by Coolbaugh Township, buffer maintenance and restoration, the correction of hazardous conditions, agricultural activities, plant nurseries, parking lots constructed to existing grade, temporary fairs and carnivals, accessory uses for residential purposes, private sportsmen’s club activities, athletic facilities, orchards, wildlife sanctuaries, boat launch sites, roads constructed to existing grade, stream crossings permitted by PaDEP and unpaved trails and limited forestry activities that do not clear cut the buffer (e.g. selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved.
 - In areas of the outer buffer which are not wetlands, vernal ponds or slopes of more than fifteen percent (15%), stormwater management facilities which improve water quality of stormwater discharge shall be permitted unless prohibited by other Township or state requirements. No other earth disturbance, grading, filling buildings, structures, new construction, or development shall be permitted.
 - No more than twenty percent (20%) percent of the cumulative outer buffer on the subject parcel shall be

altered by the activities permitted in accordance with
Section 344-10.I.7.ii.

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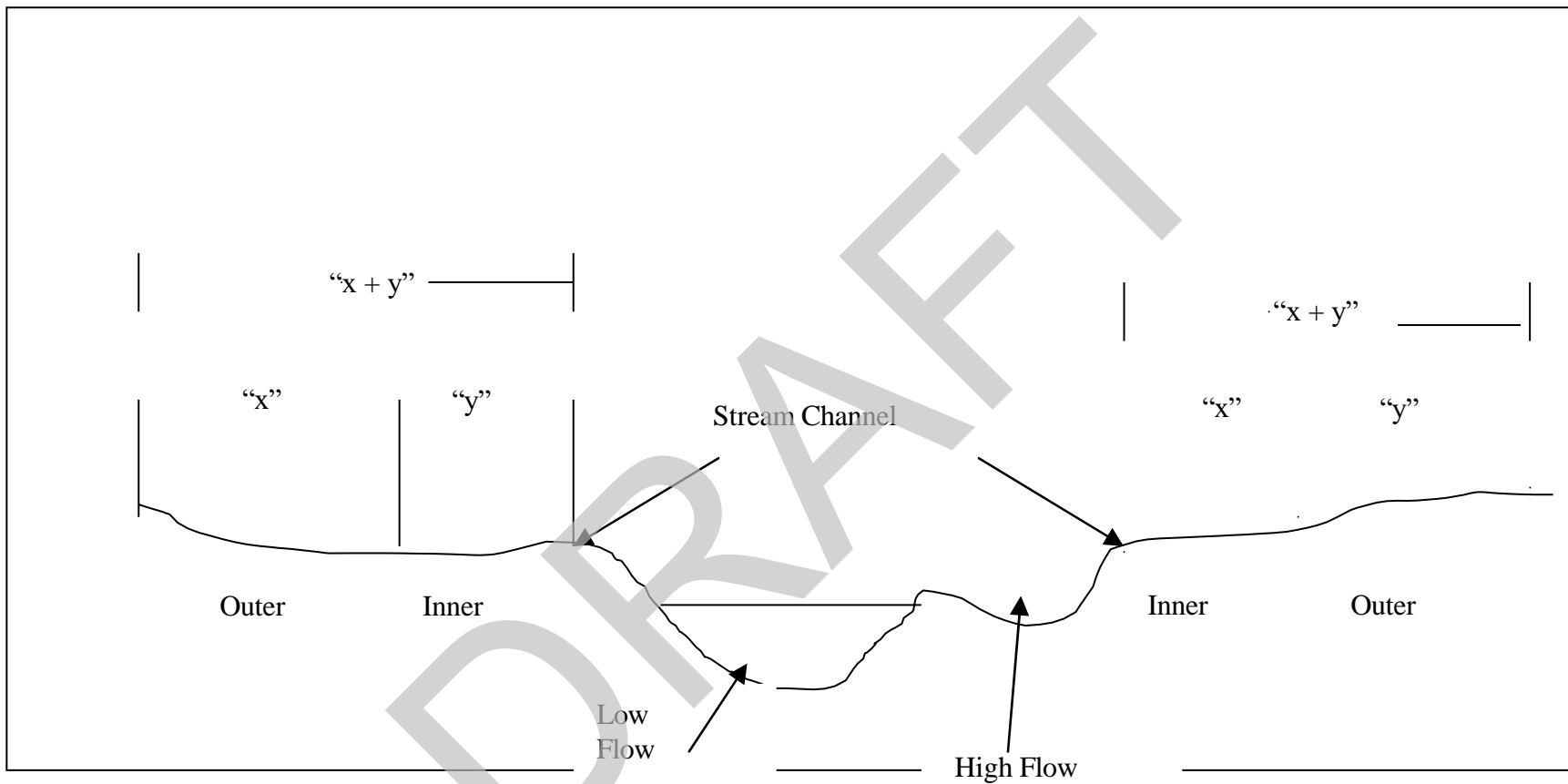


Figure 344-10.1 Stream Buffer

§344-11. Groundwater Recharge (Infiltration/Recharge/Bioretention)

Maximizing the ground water recharge capacity of the area being developed is required. Design of the infiltration/recharge stormwater management facilities shall consider providing ground water recharge to compensate for the reduction in the percolation that occurs when the ground surface is disturbed, or impervious surface is created. It is recommended that roof runoff be directed to infiltration BMPs which may be designed to compensate for the runoff from parking areas. These measurements are required to be consistent with Section 344-2 and take advantage of utilizing any existing recharge areas.

A. Infiltration BMPs shall meet the following minimum requirements:

1. Where a NPDES permit for stormwater discharges associated with construction activities is required, the volume control requirement of that permit should be met unless the volume control requirement in this plan is greater.
2. Maximum Infiltration Requirements:
 - a. Regulated activities will be required to recharge (infiltrate), where practicable, a portion of the runoff created by the development as part of an overall stormwater management plan designed for the site. The volume of runoff to be recharged shall be determined from Sections 344-11.4.a. or 344-11.4.b, depending upon demonstrated site conditions.
 3. Infiltration BMPs intended to receive runoff from developed areas shall be selected based on suitability of soils and site conditions and shall be constructed on soils that have the following characteristics:
 - a. A minimum depth of twenty-four inches (24”) between the bottom of the BMP and the limiting zone.
 - b. An infiltration and/or percolation rate sufficient to accept the additional stormwater load and drain completely as determined by field tests conducted by the Applicant’s design professional.
 - c. The recharge facility shall be capable of completely infiltrating the recharge volume within four (4) days from the end of the design storm.
 - d. Pretreatment in accordance with Sections 344-8.K and 344-8.L shall be provided prior to infiltration.
 4. The size of the recharge facility shall be based upon the following volume criteria:
 - a. NRCS Curve Number equation.

The NRCS runoff shall be utilized to calculate the Infiltration Requirement (I) in inches (in.) for zero runoff:

$$I (\text{in.}) = (200 / \text{CN}) - 2 \qquad \text{[Equation 344-11.1]}$$

Where: CN = SCS (NRCS) curve number of existing conditions contributing to the recharge facility. This equation is displayed graphically in, and the infiltration requirement can be determined from, Figure 344-11.1.

The Recharge Volume Re_v in cubic feet (c.f.) required would therefore be computed as:

$$Re_v \text{ (c.f.)} = [I \text{ (in)} \times \text{impervious area (square feet)}] / 12$$

[Equation 344-11.2]

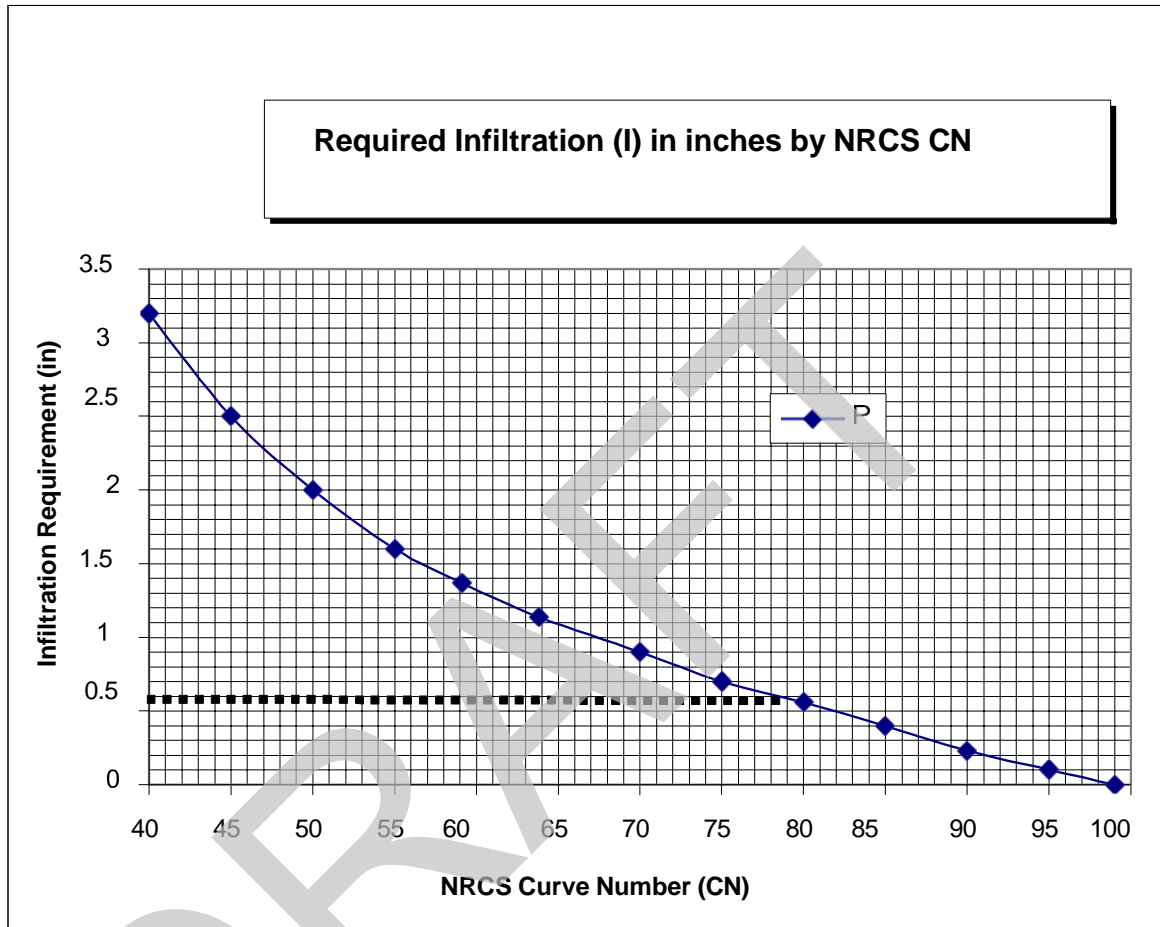


Figure 344-11.1. Infiltration requirement based upon NRCS Curve Number.

b. Annual Recharge – Water Budget Approach

It has been determined that infiltrating 0.6 inches of runoff from the post development impervious areas will aid in maintaining the hydrologic regime of the watershed. A minimum of 0.6 inches of rainfall shall be infiltrated from all impervious areas, up to an existing site condition curve number of 77. Above a curve number of 77, Equation 344-11.1 or the curve in Figure 344-11.1 shall be used to determine the Infiltration requirement and Equation 344-11.2 shall be used to determine the recharge volume.

The Recharge Volume (Re_v) required would therefore be computed as:

$$Re_v = [(0.6 \text{ or } I, \text{ whichever is less}) \times \text{impervious area}] / 12$$

- B. Soils - A detailed soils evaluation of the project site shall be required where practicable to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified design professional, and at a minimum, address soil permeability, depth to bedrock and subgrade stability. The general process for designing the infiltration BMP shall be:
1. Analyze hydrologic soil groups as well as natural and man-made features within the watershed to determine general areas of suitability for infiltration practices.
 2. Provide site-specific infiltration test results (at the level of the proposed infiltration surface) in accord with ASTM Guide No. D5126 to determine the appropriate hydraulic conductivity rate.
 3. Design the infiltration structure for the required storm volume based on field determined capacity at the level of the proposed infiltration surface.
 4. If on-lot infiltration structures are proposed by the Applicant's design professional, it must be demonstrated to the Municipality that the soils are conducive to infiltrate on the lots identified.
- C. Stormwater Hotspots – A stormwater hotspot is defined as a land use activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies. Table 344-11.1 provides samples of designated hotspots. If a site is designated as a hotspot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater where it may contaminate water supplies. Therefore, the Rev requirement is NOT applied to development sites that fit into the hotspot category, but the requirements of Section 344-11.A should be met. Second, a greater level of stormwater treatment may be needed at hotspot sites to prevent pollutant discharge after construction. EPA's NPDES stormwater program requires some industrial sites to prepare and implement a stormwater pollution prevention plan.

Table 344-11.1 – Classification of Stormwater Hotspots

The following land uses and activities are samples of stormwater hotspots:
<ul style="list-style-type: none"> • Vehicle salvage yards and recycling facilities
<ul style="list-style-type: none"> • Fleet storage areas (bus, truck, etc.)
<ul style="list-style-type: none"> • Public works storage areas
<ul style="list-style-type: none"> • Facilities that generate or store hazardous materials

Extreme caution shall be exercised where salt or chloride would be a pollutant since soils do little to filter this pollutant and it may contaminate the groundwater. The qualified design professional shall evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and perform a hydrogeologic justification study if necessary.

The infiltration requirement in High Quality/Exceptional Value waters shall be subject to the Department's Chapter 93 Antidegradation Regulations. The Municipality may require the installation of an impermeable liner in detention basins where the possibility of groundwater contamination exists. A detailed hydrogeologic investigation may be required by the Municipality.

The Municipality shall require the Applicant to provide safeguards against groundwater contamination for uses which may cause groundwater contamination, should there be a mishap or spill.

- D. Extreme caution shall be exercised where infiltration is proposed in Source Water Protection Areas or that may affect a wellhead or surface water intake.
- E. Recharge/infiltration facilities shall be used in conjunction with other innovative or traditional BMPs, stormwater control facilities, and nonstructural stormwater management alternatives.

§344-12. Stormwater Management Districts

- A. All watersheds in the Township has been divided into stormwater management districts as shown on the Watershed Maps in Appendix D. The Management District Maps are also available on the Monroe County Conservation District’s website.

Standards for managing runoff from each watershed subarea for the various design storms are shown in Table 344-12.1. Development sites located in each of the A, B, or C Districts must control proposed conditions peak runoff rates to existing conditions peak runoff rates for the design storms in accord with Table 344-12.1.

In addition to the requirements specified in Table 344-12.1 below, the Water Quality and Streambank Erosion Requirements (Section 344-10), Groundwater Recharge (Section 344-11), and Erosion and Sediment Control Requirements (Section 344-15) shall be implemented.

TABLE 344-12.1 –Peak Runoff Rate Requirements (Tobyhanna Creek Watershed)

<u>District</u>	<u>Subareas</u>	<u>Post-Development</u>	<u>(reduce to)</u>	<u>Pre-Development</u>
A	1-4, 7, 8 21-40, 43 45-67, 73	2-year		1-year
		5-year		5-year
		10-year		10-year
		25-year		25-year
		50-year		50-year
		100-year		100-year
B	5, 6, 9-20	2-year		1-year
		5-year		2-year
		10-year		2-year
		25-year		10-year
		50-year		10-year
		100-year		100-year

TABLE 344-12.2 –Peak Runoff Rate Requirements (Brodhead Creek and McMichael Creek Watersheds)

<u>District</u>	<u>Post-Development</u>	(reduce to)	<u>Pre-Development</u>
A	2-year		1-year
	5-year		5-year
	10-year		10-year
	25-year		25-year
	50-year		50-year
	100-year		100-year
B-1	2-year		1-year
	5-year		2-year
	10-year		5-year
	25-year		10-year
	50-year		25-year
	100-year		100-year
B-2	2-year		1-year
	5-year		2-year
	10-year		5-year
	25-year		5-year
	50-year		10-year
	100-year		50-year
B-3	2-year		1-year
	5-year		No Analysis Required
	10-year		
	25-year		
	50-year		10-year
	100-year		50-year

TABLE 344-12.3 –Peak Runoff Rate Requirements (Wallenpaupack Creek Watershed)

<u>District</u>	<u>Post-Development</u>	<u>(reduce to)</u>	<u>Pre-Development</u>
M-TC	2-year		Lesser of 1-year or 90% of 2-year
	5-year		90% of 5-year
	10-year		90% of 10-year
	25-year		90% of 25-year
	50-year		90% of 50-year
	100-year		90% of 100-year
M-WC	2-year		Lesser of 1-year or 70% of 2-year
	5-year		70% of 5-year
	10-year		70% of 10-year
	25-year		70% of 25-year
	50-year		70% of 50-year
	100-year		70% of 100-year

TABLE 344-12.4 –Peak Runoff Rate Requirements (Lehigh River Watershed)

<u>Post-Development</u>	<u>(reduce to)</u>	<u>Pre-Development</u>
2-year		1-year
5-year		5-year
10-year		10-year
25-year		25-year
50-year		50-year
100-year		100-year

- B. General - Proposed conditions peak rates of runoff from any Regulated Activity shall not exceed the peak release rates of runoff prior to development for the design storms specified on the Stormwater Management District Watershed Map(s) (Appendix D) and Section 344-9, of this Chapter.
- C. District Boundaries - The boundaries of the Stormwater Management Districts are shown on an official map that is available for inspection at the municipal office. A copy of the official map at a reduced scale is included in Appendix D. The exact location of the Stormwater Management District boundaries as they apply to a given development site shall be determined by mapping the boundaries using the one foot topographic contours (or most accurate data required) provided as part of the Drainage/Stormwater Management Plan.
- D. Sites Located in More Than One District - For a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall meet the requirements of Table 344-12.1 for each discharge point from the site. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea.

- E. Off-Site Areas - Off-site areas that drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.
- F. Site Areas - Where the site area to be impacted by a proposed development activity differs significantly from the total site area, only the proposed impact area utilizing stormwater management measures shall be subject to the Management District Criteria. In other words, undisturbed areas bypassing the stormwater management facilities would not be subject to the Management District Criteria.
- G. "No Harm" Option - For any proposed development site not located in a provisional direct discharge district, the Applicant has the option of using a less restrictive runoff control (including no detention) if the Applicant can prove that "no harm" would be caused by discharging at a higher runoff rate than that specified by the Stormwater Management Plan. The "no harm" option is used when an Applicant can prove that the proposed hydrographs can match existing hydrographs, or if it can be proven that the proposed conditions will not cause increases in peaks at all points downstream. Proof of "no harm" must be shown based upon the following "Downstream Impact Evaluation" which shall include a "downstream hydraulic capacity analysis" consistent with Section 344-12.H to determine if adequate hydraulic capacity exists. The Applicant shall submit to the Municipality this evaluation of the impacts due to increased downstream stormwater flows in the watershed.
1. The "Downstream Impact Evaluation" shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications due to the proposed development upon a dam, highway, structure, natural point of restricted streamflow or any stream channel section, established with the concurrence of the Municipality.
 2. The evaluation shall continue downstream until the increase in flow diminishes due to additional flow from tributaries and/or stream attenuation.
 3. The peak flow values to be used for downstream areas for the design return period storms (2-, 5-, 10-, 25-, 50-, and 100-year) shall be the values from the calibrated model for the various watersheds. These flow values can be obtained from the original Act 167 watershed stormwater management plans.
 4. Applicant-proposed runoff controls which would generate increased peak flow rates at storm drainage problem areas, by definition, are precluded from successful attempts to prove "no-harm", except in conjunction with proposed capacity improvements for the problem areas consistent with Section 344-12.H.
 5. A financial distress shall not constitute grounds for the Municipality to approve the use of the "no-harm" option.
 6. Downstream capacity improvements may be provided as necessary to achieve the "no harm" option.
 7. Any "no harm" justifications shall be submitted by the Applicant as part of the Drainage/Stormwater Management Plan Requirements per Article IV of this Chapter.
- H. "Downstream Hydraulic Capacity Analysis" - Any downstream hydraulic capacity analysis conducted in accordance with this Chapter shall use the following criteria for determining adequacy for accepting increased peak flow rates:

1. Existing natural or man-made channels or swales must be able to convey the increased runoff associated with a 2-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 PaDEP *Erosion and Sediment Pollution Control Program Manual*.
 2. Existing natural or man-made channels or swales must be able to convey increased 25- year return period runoff without creating any hazard to persons or property.
 3. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area must be designed in accordance with PaDEP Chapter 105 regulations (if applicable) and, at minimum, pass the increased 25-year return period runoff.
- I. Hardship Option - The Stormwater Management Plan and its standards and criteria are designed to maintain existing conditions peak flows and volumes throughout the watersheds as they become developed. There may be certain instances, however, where the standards and criteria established are too restrictive for a particular Applicant. The existing drainage network in some areas may be capable of safely transporting slight increases in flows without causing a problem or increasing flows elsewhere. If an Applicant cannot meet the stormwater standards due to lot conditions or if conformance would become a hardship to an Applicant, the hardship option may be applied. A financial distress shall not constitute grounds for the Municipality to approve the use of the hardship option. The Applicant would have to plead his/her case to the Municipality with the final determination made by the Board of Supervisors. Any Applicant pleading the "hardship option" will assume all liabilities that may arise due to exercising this option. A financial distress shall not constitute grounds for the Municipality to approve the use of the "no-harm" option.

§344-13. Calculation Methodology

- A. Stormwater runoff from all development sites shall utilize the NRCS (TR-55) Soil Cover Complex Method.
- B. All calculations consistent with this Chapter using the Soil Cover Complex Method shall use the appropriate design rainfall depths for the various return period storms consistent with current NOAA Atlas 14 Point Precipitation Frequency Estimates. The duration of rainfall storm events shall be 24 hours. The SCS Type II Rainfall Distribution shall be utilized for the rainfall distribution.
- C. For the purposes of existing conditions flow rate determination, undeveloped land shall be considered as "meadow", unless the natural ground cover generates a lower Curve Number (CN), as listed in Table B-1 in Appendix B of this Chapter.
- D. Times-of- concentration for overland flow 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). Times-of- concentration for channel and pipe flow shall be computed using Manning's equation.
- E. Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the soil cover complex method shall be obtained from Table B-1 in Appendix B of this Chapter. Due to limitations of the TR-55 methodology, a minimum weighted Curve Number of 40 shall be utilized for the calculations.
- F. The designer shall consider that the runoff from proposed sites graded to the subsoil will not have the same runoff conditions as the site under existing conditions, even after

placement of topsoil and/or seeding. The designer may be required to increase the proposed condition “CN” to better reflect proposed soil conditions.

- G. Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations, and to determine the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table B-3 in Appendix B of this Chapter.
- H. Outlet structures for stormwater management facilities shall be designed to meet the performance standards of this Chapter using any generally accepted hydraulic analysis technique or method.
- I. The design of any stormwater detention facilities intended to meet the performance standards of this Chapter shall be verified by routing the design storm hydrograph through these facilities using the Storage-Indication Method. The Municipality may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.
- J. The design of all stormwater management facilities shall take into account any future development depicted on the Plan including but not limited to “reserve” or future parking areas.

§344-14. Other Requirements

- A. Any stormwater facility located on or directed into/towards State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).
- B. Pretreatment in accordance with Sections 344-8.K and 344-8.L shall be provided prior to infiltration.
- C. Any stormwater management facility (i.e., BMP, detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Chapter shall be designed to provide an emergency spillway to handle the discharge of flows up to and including the inflow to the facility from the 100- year proposed conditions, considering the primary outlet control structure(s) are blocked. The height of embankment must provide a minimum one foot (1') of freeboard above the maximum pool elevation computed when the facility functions for the 100-year proposed conditions inflow. Should any stormwater management facility require a dam safety permit under PaDEP Chapter 105, the facility shall be designed in accordance with Chapter 105 and meet the regulations of Chapter 105 concerning dam safety which may be required to pass storms larger than the 100-year event.
- D. Any facilities that constitute water obstructions (e.g., culverts, bridges, outfalls, or stream enclosures), and any work involving wetlands governed by PaDEP Chapter 105 regulations (as amended or replaced from time to time by PaDEP), shall be designed in accordance with Chapter 105 and will require a permit from PaDEP.
- E. Any other drainage conveyance facility that does not fall under Chapter 105 regulations must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm with a minimum 1.0 foot of freeboard measured below the lowest point along the top of the roadway. Any facility that constitutes a dam as defined in PaDEP Chapter 105 regulations may require a permit under dam safety regulations. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.

- F. Any drainage conveyance facility and/or channel not governed by Chapter 105 Regulations, must be able to convey, without damage to the drainage structure or roadway, runoff from the 25-year design storm. The design for conveyance facilities may utilize the Rational Method. Conveyance facilities to or exiting from stormwater management facilities (i.e., detention basins) shall be designed to convey the design flow to or from that structure (100-year storm). Roadway crossings located within designated floodplain areas must be able to convey runoff from a 100-year design storm. Any facility located within a PennDOT right-of-way must meet PennDOT minimum design standards and permit submission requirements.
- G. Storm sewers must be able to convey proposed conditions runoff from a 25-year design storm without surcharging inlets, where appropriate. However, demonstration of conveyance of the 100-year design storm to proposed stormwater management facilities must be provided.
- H. Adequate erosion protection shall be provided along all open channels, and at all points of discharge.
- I. The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The Municipality reserves the right to disapprove any design that would result in the construction of or continuation of a stormwater problem area.
- J. Permeable (“pervious”) pavement shall not be permitted as a suitable BMP in the Township.

§344-15. Erosion and Sediment Control Requirements

- A. Any earth disturbance must be conducted in conformance with PA Title 25, Chapter 102, “Erosion and Sediment Control.”
- B. Additional erosion and sediment control design standards and criteria that must be or are recommended to be applied where infiltration BMPs are proposed shall include the following:
 - 1. Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase to maintain maximum infiltration capacity.
 - 2. Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has achieved final stabilization.

ARTICLE IV-DRAINAGE/STORMWATER MANAGEMENT PLAN REQUIREMENTS

§344-16. General Requirements

- A. If a preapplication meeting or meetings is/are scheduled with the MCCD for any project subject to this chapter/ordinance and/or an NPDES Permit submittal to the MCCD, the Township shall be given adequate notice of the meeting so that the Township Engineer and other Township personnel may attend. This shall occur prior to submission of the Drainage/Stormwater Management Plan application to the Township.
- B. For any of the activities regulated by this Chapter, the preliminary, preliminary/final, or final approval of subdivision and/or land development plans, the issuance of any building or occupancy permit, or the commencement of any earth disturbance may not proceed until the Applicant, or his/her agent, has received written approval of a Drainage/Stormwater Management Plan from the Municipality and an adequate Erosion and Sediment Control Plan review by the Conservation District.

§344-17. Drainage/Stormwater Management Plan Submission Exemptions

A. Exemptions

The following land use activities are exempt from the Drainage/Stormwater Management Plan submission requirements of this Ordinance:

- 1. Use of land for gardening for home consumption.
- 2. Agriculture when operated in accordance with a Conservation Plan or Erosion and Sediment Control Plan (E&S) found adequate by the Conservation District.
- 3. Forest Management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation (E&S) Control Guidelines for Forestry" and are operating under an approved E&S Plan and must comply with stream buffer requirements in Section 344-10 and flood plain management requirements.
- 4. Impervious Surface - Any Regulated Activity that has less than 5,000 square feet of impervious surface and/or meets the following exemption criteria is exempt from the plan submittal provisions of this Ordinance. These criteria shall apply to the total development even if development is to take place in phases. The date of the original Coolbaugh Township Stormwater Management Ordinance adoption (June 17, 2014) 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. Impervious areas existing on the "parent tract" prior to adoption of this Ordinance shall not be considered in cumulative impervious area calculations for exemption purposes.

B. Additional exemption criteria includes:

- 1. Exemption responsibilities – An exemption shall not relieve the Applicant from implementing such measures as are necessary to protect the public health, safety, and property. An exemption shall not relieve the Applicant from providing adequate stormwater management for Regulated Activities to meet the purpose of this

Chapter; however, Drainage/Stormwater Management Plans will not have to be submitted to the Municipality.

2. This exemption shall not relieve the Applicant from meeting the requirements for watersheds draining to Exceptional Value (EV) waters and Source Water Protection Areas (SWPA): requirements for Nonstructural Project Design (Section 344-9) Water Quality and Streambank Erosion (Section 344-10), and Groundwater Recharge (Section 344-11).
3. Drainage Problems - If a drainage problem is documented or known to exist downstream of, or expected from the proposed activity, then the Municipality may require a Drainage/Stormwater Management Plan Submittal.
4. Parent Tracts – Ordinance criteria shall apply to the total development even if development is to take place in phases. The date of the original Coolbaugh Township Stormwater Management Ordinance adoption (June 17, 2014) 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.

C. Waivers and Modifications.

The provisions of this chapter are considered as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of Coolbaugh Township and the surrounding area. However, the Township reserves the right, in its sole discretion, based upon specific site conditions or specific characteristics of the proposed project, to waive, modify, or extend provisions of this chapter in individual cases as may be necessary in the public interest, provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations. In permitting a variation from these regulations, the following criteria must be met by the applicant:

1. The Applicant for a waiver or modification must make the request in writing to the Board of Supervisors, setting forth in detail the reasons in support of the request. The request shall include an alternatives analysis as described herein.
2. The written request and alternatives analysis shall be forwarded to the Township Engineer for review.
3. The written request and alternatives analysis shall be forwarded to the Township Planning Commission for a recommendation.
4. The alternatives analysis shall show that stormwater management cannot be implemented in strict compliance with the terms of this chapter without preventing the reasonable use and development of the subject property.
5. The alternative analysis must also demonstrate to the satisfaction of the Board of Supervisors that the intent and purpose of this chapter are preserved.

§344-18. Drainage/Stormwater Management Plan Contents

The Drainage/Stormwater Management Plan shall consist of a general description of the project including sequencing items described in Section 344-9, calculations, maps, and plans. A note on the maps shall refer to the associated computations and erosion and sediment control plan by title and date. The cover sheet of the computations and erosion and sediment control plan shall refer to

the associated maps by title and date. All Drainage/Stormwater Management Plan materials shall be submitted to the Municipality in a format that is clear, concise, legible, neat, and well organized; otherwise, the Drainage/Stormwater Management Plan shall not be accepted for review and shall be returned to the Applicant.

The following items shall be included in the Drainage/Stormwater Management Plan:

A. General

1. General description of the project including those areas described in Section 344-9.
2. General description of permanent stormwater management techniques, including construction specifications of the materials to be used for stormwater management facilities.
3. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
4. An Erosion and Sediment Control Plan, including all reviews and letters of adequacy obtained by the Conservation District.
5. A general description of nonpoint source pollution controls.

B. Maps

Map(s) of the project area shall be submitted on appropriate sheet sizes and/or shall be prepared in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Monroe County. If the Subdivision and Land Development Ordinance (SALDO) has more stringent criteria, then the more stringent criteria shall apply. The contents of the map(s) shall include, but not be limited to:

1. The location of the project relative to highways, municipalities or other identifiable landmarks.
2. Existing and final contours at intervals of one foot (1'). In areas of steep slopes (greater than fifteen percent (15%)), five-foot (5') contour intervals may be used.
3. Existing streams, lakes, ponds, wetlands, vernal ponds, or other Waters of the Commonwealth within the property. If these features are situated outside of the property but within three-hundred feet (300') of the property boundary, then they shall be depicted on the Plan and buffer yards provided within the property boundary as required.
4. Other physical features including flood hazard boundaries, buffers, existing drainage courses, areas of natural vegetation to be preserved, and the total extent of the upstream area draining through the site.
5. The locations of all existing and proposed utilities, sanitary sewers, and water lines within and adjacent to the property.
6. The location(s) of public water supply wells and surface water intakes as well as their source water protection areas.
7. Soil names and boundaries.
8. Limits of earth disturbance, including the type and amount of impervious area that would be added.

9. Proposed structures, roads, paved areas, and buildings.
10. The name of the development, the name and address of the Applicant of the property, and the name of the individual or firm preparing the plan.
11. The date of submission.
12. Plans shall be provided at 1" = 5', 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60' and be legible in all aspects. A graphic and scale shall be noted on the Plan."
13. A north arrow.
14. The total tract boundary and size with distances marked to the nearest foot and bearings to the nearest degree.
15. Existing and proposed land use(s).
16. A key map showing all existing man-made features beyond the property boundary that would be affected by the project.
17. Location of all open channels.
18. Overland drainage patterns and swales.
19. A fifteen foot (15') wide access easement to and around all stormwater management facilities that would provide ingress to and egress from a public right-of-way. A "blanket easement" over the entire property may be proposed in lieu of designating easement lines.
20. The location of all erosion and sediment control facilities.
21. A note on the plan indicating the location and responsibility for maintenance of stormwater management facilities that would be located off-site. All off-site facilities shall meet the performance standards and design criteria specified in this Chapter.
22. The following Applicant Certification statement signed and dated by the Applicant:
"I, (Applicant), on this date (date of signature), hereby acknowledge that any revision to the final Drainage/Stormwater Management Plan must be approved by Coolbaugh Township and that a revised E&S Plan must be submitted to the Monroe County Conservation District for a determination of adequacy."
23. The following Design Engineer Certification statement signed and dated by the Design Engineer:
"I, (Design Engineer), on this date (date of signature), hereby certify that the Drainage/Stormwater Management Plan meets all design standards and criteria of the Coolbaugh Township Stormwater Management Ordinance."

C. Supplemental Information

1. A written description of the following information shall be submitted.
 - a. The overall stormwater management concept for the project designed in accordance with Section 344-9.

- b. Stormwater runoff computations as specified in this Chapter.
 - c. Stormwater management techniques to be applied both during and after development.
 - d. Expected project time schedule.
 - e. Development stages (project phases) if so proposed.
 - f. An operation and maintenance plan in accordance with Article VII of this Chapter.
- 2. An erosion and sediment control plan.
 - 3. The effect of the project (in terms of runoff volumes and peak flows) on adjacent properties and on any existing municipal stormwater collection system that may receive runoff from the project site.
 - 4. PennDOT shall be consulted where the project site discharges to the PennDOT street right-of-way or a PennDOT stormwater conveyance/facility. Proof of this consultation in the form of a Highway Occupancy Permit (HOP), review letter, or email/letter shall be provided to the Township by the Applicant.
- D. Stormwater Management Facilities
- 1. All stormwater management facilities must be located on a plan and described in detail.
 - 2. When groundwater recharge methods such as seepage pits, beds or trenches are used, the locations of existing and proposed septic tank infiltration areas and wells must be shown.
 - 3. All calculations, assumptions, and criteria used in the design of the stormwater management facilities must be shown.

§344-19. Plan Submission

The Municipality shall require receipt of a complete plan, as specified in this Chapter.

For any activities that require a National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges from Construction Activities, or a PaDEP Joint Permit Application, or a PennDOT Highway Occupancy Permit (HOP), or any other permit under applicable state or federal regulations or are regulated under Chapter 105 (Dam Safety and Waterway Management) or Chapter 106 (Floodplain Management) of PaDEP's Rules and Regulations, the proof of application for said permit(s) or approvals shall be part of the Plan. The plan shall be coordinated with the state and federal permit process and the Coolbaugh Township SALDO review process.

- A. For those Regulated Activities which require SALDO approval, the Drainage/Stormwater Management Plan and ERSAM shall be submitted by the Applicant as part of the Preliminary Plan submission.
- B. For those Regulated Activities that do not require SALDO approval, See Section 344-16, General Requirements.

- C. Six (6) copies of the Drainage/Stormwater Management Plan shall be submitted by the Applicant as follows:
 - 1. Two (2) copies to the Municipality accompanied by the requisite Municipal Review Fee,
 - 2. Two (2) copies to the MCCD.
 - 3. One (1) copy to the Municipal Engineer.
 - 4. One (1) copy to the County Planning Commission.
- D. Any submissions found incomplete shall not be accepted for review and shall be returned to the Applicant with a notification in writing of the specific manner in which the submission is incomplete.

§344-20. Drainage/Stormwater Management Plan Review

- A. The Municipal Engineer shall review the Drainage/Stormwater Management Plan for consistency with this Chapter.
- B. The ESCP shall be reviewed by the MCCD and found adequate to meet the requirements of PaDEP's Chapter 102 regulations prior to Municipal approval of the Drainage/Stormwater Management Plan. A copy of the adequacy letter shall be provided to the Township.
- C. For Regulated Activities specified in Section 344-4 of this Chapter, the Municipal Engineer shall notify the Municipality in writing, within ninety (90) calendar days, whether the Drainage/Stormwater Management Plan is consistent with the Stormwater Management Plan.
 - 1. Should the Drainage/Stormwater Management Plan be determined to be consistent with the Stormwater Management Plan, the Municipal Engineer will forward a letter of consistency to the Municipal Secretary, who will then notify the Developer.
 - 2. Should the Drainage/Stormwater Management Plan be determined to be inconsistent or noncompliant with the Stormwater Management Plan, the Municipal Engineer shall forward a letter to the Municipal Secretary with a copy to the Applicant citing the reason(s) and specific Ordinance sections for the inconsistency or noncompliance. Inconsistency or noncompliance may be due to inadequate information to make a reasonable judgment as to compliance with the stormwater management plan. Any Drainage/Stormwater Management Plans that are inconsistent or noncompliant may be revised by the Applicant and resubmitted consistent with this Chapter. The Municipal Secretary shall then notify the Developer of the Municipal Engineer's findings. Any disapproved Drainage/Stormwater Management Plans may be revised by the Developer and resubmitted consistent with this Chapter.
- D. For Regulated Activities specified in Section 344-4 of this Chapter, which require a building permit, the Municipal Engineer shall notify the Enforcement Officer in writing, whether the Drainage/Stormwater Management Plan is consistent with the Stormwater Management Plan and forward a copy of the approval/disapproval letter to the Applicant.

Any disapproved Drainage/Stormwater Management Plan may be revised by the Applicant and resubmitted consistent with this Chapter.

- E. For Regulated Activities specified in Section 104 of this Ordinance that require an NPDES Permit Application, PaDEP and the Conservation District may consider the Municipal Engineer's review comments in determining whether to issue a permit.
- F. The Municipality shall not grant preliminary or preliminary/final approval to any subdivision or land development for Regulated Activities specified in Sections 344-4 of this Chapter if the Drainage/Stormwater Management Plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Municipal Engineer. All required permits from PaDEP must be obtained prior to approval of any subdivision or land development.
- G. No municipal permits shall be issued for any Regulated Activity specified in Section 344-4 of this Chapter if the Drainage/Stormwater Management Plan has been found to be inconsistent with the Stormwater Management Plan, as determined by the Municipal Engineer, or without considering the comments of the Municipal Engineer shall be issued.
- H. The Applicant shall be responsible for completing Record Drawings of all stormwater management facilities included in the approved Drainage/Stormwater Management Plan. The Record Drawings and an explanation of any discrepancies with the design plans shall be submitted to the Municipal Engineer for final approval. In no case shall the Municipality approve the Record Drawings until the Municipality receives a copy of an approved or amended Declaration of Adequacy and/or Highway Occupancy Permit from the PennDOT District Office, NPDES Permit, and any applicable permits or approvals, from PaDEP or the Conservation District.
- I. The Municipality's approval of a Drainage/Stormwater Management Plan shall be valid for a period not to exceed five (5) years, commencing on the date that the Municipality signs the approved Drainage/Stormwater Management Plan. If stormwater management facilities included in the approved Drainage/Stormwater Management Plan have not been constructed, or if constructed, and record drawings of these facilities have not been approved within this five (5) year time period, then the Municipality may consider the Drainage/Stormwater Management Plan disapproved and may revoke any and all permits. Drainage/Stormwater Management Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 344-22 of this Chapter.

§344-21. Modification of Plans

- A. A modification to a Drainage/Stormwater Management Plan under review by the Municipality for a development site that involves a change in stormwater management facilities or techniques, or that involves the relocation or re-design of stormwater management facilities, or that is necessary because soil or other conditions are not as stated on the Drainage/Stormwater Management Plan as determined by the Municipal Engineer, shall require a resubmission of the modified Drainage/Stormwater Management Plan consistent with Section 344-19 of this Chapter and be subject to review as specified in Section 344-20 of this Chapter.
- B. A modification to an already approved or disapproved Drainage/Stormwater Management Plan shall be submitted to the Municipality, accompanied by the applicable Municipal Review and Inspection Fee. A modification to a Drainage/Stormwater Management Plan

for which a formal action has not been taken by the Municipality shall be submitted to the Municipality, accompanied by the applicable Municipal Review and Inspection Fee.

§344-22. Resubmission of Disapproved Drainage/Stormwater Management Plans

A disapproved Drainage/Stormwater Management Plan may be resubmitted, with the revisions addressing the Municipal Engineer's concerns documented in writing and addressed to the Municipal Secretary in accordance with Section 344-19 of this Chapter and distributed accordingly and be subject to review as specified in Section 344-20 of this Chapter. The applicable Municipal Review and Inspection Fee must accompany a resubmission of a disapproved Drainage/Stormwater Management Plan.

§344-23. Authorization to Construct and Term of Validity

The Municipality's approval of a Drainage/Stormwater Management Plan authorizes the regulated activities contained in the Drainage/Stormwater Management Plan for a maximum term of validity of five (5) years following the date of approval. The Municipality may specify a term of validity shorter than five (5) years in the approval for any specific Drainage/Stormwater Management Plan. Terms of validity shall commence on the date the Municipality signs the approval for a Drainage/Stormwater Management Plan. If an approved Drainage/Stormwater Management Plan is not completed according to Section 344-22 within the term of validity, then the Municipality may consider the Drainage/Stormwater Management Plan disapproved and may revoke any and all permits. Drainage/Stormwater Management Plans that are considered disapproved by the Municipality shall be resubmitted in accordance with Section 344-20 of this Chapter.

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ARTICLE V-INSPECTIONS

§344-24. Schedule of Inspections

- A. The Municipal Engineer or his municipal designee shall inspect all phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Municipal Engineer.
- B. During any stage of the work, if the Municipal Engineer or his municipal designee determines that the permanent stormwater management facilities are not being installed in accordance with the approved Drainage/Stormwater Management Plan, the Municipality shall revoke any existing permits or other approvals and issue a cease and desist order until a revised Drainage/Stormwater Management Plan is submitted and approved, as specified in this Ordinance.
- C. A final inspection of all stormwater management facilities shall be conducted by the Municipal Engineer or his municipal designee to confirm compliance with the approved Drainage/Stormwater Management Plan prior to the issuance of any Occupancy Permit.

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ARTICLE VI-FEES AND EXPENSES

§344-25. Municipality Drainage/Stormwater Management Plan Review and Inspection Fee

Fees shall be established by the Municipality to defray plan review and construction inspection costs incurred by the Municipality. All fees shall be paid by the Applicant at the time of Drainage/Stormwater Management Plan submission. Review and Inspection Fee Schedule shall be established by resolution of the Board of Supervisors based on the size of the Regulated Activity and based on the Municipality's costs for reviewing Drainage/Stormwater Management Plans and conducting inspections pursuant to Section 344-24. The Municipality shall periodically update the Review and Inspection Fee Schedule to ensure that review costs are adequately reimbursed.

§344-26. Expenses Covered by Fees

The fees required by this Ordinance shall at a minimum cover:

- A. Administrative costs.
- B. The review of the Drainage/Stormwater Management Plan by the Municipality and the Municipal Engineer.
- C. The site inspections.
- D. The inspection of stormwater management facilities and drainage improvements during construction.
- E. The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Drainage/Stormwater Management Plan.
- F. Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII-CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES

§344-27. Performance Guarantee

- A. For subdivisions and land developments the Applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all drainage/stormwater management controls as:
- 1) required by the approved Drainage/Stormwater Management Plan equal to or greater than the full construction cost of the required controls, or
 - 2) in the amount and method of payment provided for in the Subdivision and Land Development Ordinance.
- B. For other Regulated Activities, the Municipality may require a financial guarantee from the Applicant.
- C. At the completion of the project, and as a prerequisite for the release of the performance guarantee, the Applicant or his representatives shall:
1. Provide a certification of completion from an Engineer, Surveyor, or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
 2. Provide a set of record drawings.
- D. After the Municipality receives the certification, a final inspection shall be conducted by the Municipal Engineer or designee to certify compliance with this Chapter.

§344-28. Maintenance Responsibilities

- A. The Drainage/Stormwater Management Plan for the development site shall contain an operation and maintenance plan prepared by the Applicant and approved by the Municipal Engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- B. The Drainage/Stormwater Management Plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
1. If a development consists of structures or lots which are to be separately owned and in which streets, sewers or other public improvements are to be dedicated to the Municipality, stormwater control facilities may also be dedicated to and maintained by the Municipality, although the Municipality is not obligated to accept ownership.
 2. If a development site is to be maintained in a single ownership or if streets, sewers or other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities may be the responsibility of the Applicant or private management entity.
- C. The Board of Supervisors, upon recommendation of the Municipal Engineer, shall make the final determination on the continuing maintenance responsibilities prior to approval of the

Drainage/Stormwater Management Plan. The Board of Supervisors reserves the right to accept the ownership and operating responsibility for any or all of the stormwater management controls.

§344-29. Maintenance Agreement for Privately Owned Stormwater Facilities

- A. Prior to approval of the site's Drainage/Stormwater Management Plan, the Applicant shall sign and record a Maintenance Agreement similar to that contained in Appendix A, which is attached and made part hereof, covering all stormwater control facilities that are to be privately owned.
- B. Other items may be included in the agreement, if determined necessary to guarantee the satisfactory maintenance of all facilities. The Maintenance Agreement shall be subject to the review and approval of the Municipal Solicitor and Board of Supervisors.

§344-30. Municipal Stormwater Maintenance Fund

- A. Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
 - 1. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the Municipality for a period of ten (10) years, as estimated by the Municipal Engineer.
 - 2. If the storage facility is to be owned and maintained by the Municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Municipal Engineer will establish the estimated costs utilizing information submitted by the Applicant.
 - 3. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents, which shall be subject to the approval of the Board of Supervisors.
- B. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the Municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
- C. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.
- D. Long-Term Maintenance – The Municipality may require Applicants to pay a fee to the Municipal Stormwater Maintenance Fund to cover long term maintenance of stormwater control and best management practices.
- E. Stormwater Related Problems – The Municipality may require Applicants to pay a fee to the Municipal Stormwater Maintenance Fund to cover stormwater related problems which may arise from the land development and earth disturbance.

ARTICLE VIII-ENFORCEMENT AND PENALTIES

§344-31. Right-of-Entry

Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Chapter.

§344-32. Notification

In the event that a person fails to comply with the requirements of this Chapter or fails to conform to the requirements of any permit issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all remedies. It shall be the responsibility of the Applicant of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Chapter.

§344-33. Enforcement

The Municipality is hereby authorized and directed to enforce all of the provisions of this Chapter. All inspections regarding compliance with the Drainage/Stormwater Management Plan shall be the responsibility of the Municipal Engineer or other qualified persons designated by the Municipality.

- A. Design Plans - A set of design plans approved by the Municipality shall be on file at the site throughout the duration of the construction activity. Periodic inspections may be made by the Municipality or designee during construction.
- B. Adherence to Approved Plan - It shall be unlawful for any person, firm or corporation to undertake any Regulated Activity under Section 344-4 on any property except as provided for in the approved Drainage/Stormwater Management Plan and pursuant to the requirements of this Chapter. It shall be unlawful to alter or remove any control structure required by the Drainage/Stormwater Management Plan pursuant to this Chapter or to allow the property to remain in a condition which does not conform to the approved Drainage/Stormwater Management Plan.
- C. Hearing - Prior to revocation or suspension of a permit and at the request of the Applicant, the Board of Supervisors will schedule a hearing to discuss the non-compliance if there is no immediate danger to life, public health or property. The expense of a hearing shall be the Applicant's responsibility.
- D. Suspension and Revocation of Permits
 1. Any permit issued by the Municipality may be suspended or revoked for:
 - a. Non-compliance with or failure to implement any provision of the permit.
 - b. A violation of any provision of this Chapter or any other applicable law, ordinance, rule or regulation relating to the project.

- c. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
2. A suspended permit shall be reinstated by the Board of Supervisors when:
 - a. The Municipal Engineer or his Municipal designee has inspected and approved the corrections to the stormwater management and erosion and sediment pollution control measure(s), or the elimination of the hazard or nuisance, and/or;
 - b. The Board of Supervisors is satisfied that the violation of this Chapter and/or other Ordinance, law, or rule and regulation has been corrected.
 3. A permit that has been revoked cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined in this Chapter.

E. Occupancy Permit

An occupancy permit shall not be issued unless the certification of completion pursuant to Section 344-27 A has been approved by the Municipality. The occupancy permit shall be required for each lot owner and/or Applicant for all subdivisions and land development in the Municipality.

§344-34. Public Nuisance

- A. A violation of any provision of this Chapter is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.
- C. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Municipality may order compliance by written notice to the responsible person. Such notice may require, without limitation:
 1. The performance of monitoring, analyses, and reporting;
 2. The elimination of prohibited discharges;
 3. Cessation of any violating discharges, practices, or operations;
 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 5. Payment of a fine to cover administrative and remediation costs;
 6. The implementation of stormwater BMPs; and
 7. Operation and maintenance of stormwater BMPs.
- D. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Chapter. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

§344-35. Penalties

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$1,000.00, plus all court costs, including reasonable attorneys' fees incurred by the Municipality as a result thereof. Each day that a violation continues shall constitute a separate violation and penalties shall be cumulative.
- B. In addition, the Municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. 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.

§344-36. Appeals

- A. Any person aggrieved by any action of the staff of the Municipality or its designee, relevant to the provisions of this Chapter, may appeal to the Municipality's Board of Supervisors within thirty (30) days of such action.
- B. Any person aggrieved by any decision of the Municipality's Board of Supervisors, relevant to the provisions of this Chapter, may appeal to the Monroe County Court of Common Pleas within thirty (30) days of the decision.

SECTION II. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION III. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this ____ day of _____ 2024, by the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania, in lawful session duly assembled.

Board of Supervisors of Coolbaugh Township

By: _____
William Weimer, Chairman

By: _____
Joseph Rogan, Vice-Chair

By: _____
Clare Colgan, Supervisor

By: _____
Alma I. Ruiz-Smith, Supervisor

By: _____
Lynn Kelly, Supervisor

ATTEST:

Township Secretary

[TOWNSHIP SEAL]

APPENDIX A
DRAINAGE/STORMWATER FACILITIES
MAINTENANCE AND MONITORING AGREEMENT

(This Agreement is a general sample. The actual agreement may vary in form for each application, subject to the Township's review and approval.)

COOLBAUGH TOWNSHIP

**STANDARD STORMWATER FACILITIES MAINTENANCE
AND MONITORING AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between _____, with an address of _____ (hereinafter the “**OWNER**”) and **TOWNSHIP OF COOLBAUGH**, a township of the second class with offices at 5520 Municipal Drive, Tobyhanna, Monroe County, Pennsylvania, (hereinafter “**TOWNSHIP**”);

WITNESSETH:

WHEREAS, the Owner is the lawful and/or equitable owner of a certain parcel of ground located at _____ and identified as Monroe County PIN No. _____ and Monroe County Parcel No. _____ located in Coolbaugh Township (the “**Property**”); and

WHEREAS, the Owner is proceeding to build upon, develop and/or otherwise improve the Property; and

WHEREAS, Owner has presented and proposed a stormwater management plan for the Property, more fully described on a set of plans of record in the Township Office entitled “_____”, dated _____, latest revision date _____, prepared by _____, (hereinafter referred to as the “**Plan**”) which is expressly made a part hereof and specifically incorporated herein, as approved by the Township, and said Plan provides for surface and/or subsurface detention or retention of stormwater and/or other stormwater management facilities serving the Property; and

WHEREAS, the Township and the Owner, its heirs, successors and assigns, agree that the health, safety, and welfare of the residents of the Township require that on-site stormwater management facilities be constructed and maintained on the Property; and

WHEREAS, the Township requires, through the implementation of the stormwater management regulations, that stormwater management facilities as shown on the Plan and/or as required by the Coolbaugh Township Stormwater Management and Earth

Disturbance Ordinance be constructed and adequately maintained by the Owner, its heirs, successors and assigns; and

WHEREAS, prior to beginning construction on any improvements on the Property, the Owner is required under the Coolbaugh Township Stormwater Management and Earth Disturbance Ordinance, as amended, (the “**Ordinance**”), to submit a plan to the Township for approval and the Owner shall comply with all provisions of the Ordinance.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The stormwater management facilities, (detention basin, underground and/or subsurface stormwater basins, stormwater pipes and/or other stormwater facilities) shown on the Plan (hereinafter “**Stormwater Facilities**”) shall be constructed by the Owner, its heirs, successors and assigns, in accordance with the terms, conditions and specifications identified in this Agreement and on the Plan. Owner shall post the requisite financial security with the Township to ensure the completion of the required Stormwater Facilities.

2. Owner, for and in consideration of the sum of One Dollar (\$1.00), paid, does hereby grant, convey, bargain, sell, release and confirm unto the Township, its successors and assigns, an access and inspection easement, to and over the subject Property and the Stormwater Facilities.

3. Owner shall provide a payment to the Township in the sum of _____ Dollars (\$ _____) (“**Security**”) to ensure the continued maintenance, repair and inspections of the Stormwater Facilities in accordance with the terms of this Agreement and the Ordinance. In the event Owner fails to maintain and/or repair the Stormwater Facilities in accordance with the terms of the Ordinance and/or this Agreement or timely reimburse the Township for inspections in accordance with Paragraph 17 herein, Township may use the Security to pay for the requisite maintenance, repair and/or inspections and/or lien the Property in accordance with Paragraph 9 herein for the amount due the Township or proceed with any other available cause of action.

4. For purposes of this Agreement, Coolbaugh Township shall have the full, free, unlimited and unrestricted right, liberty, privilege and easement in common with Owner, its heirs, successors and assigns, to enter upon the Property and inspect the Stormwater Facilities from time to time to ensure its continued maintenance and operation by Owner, its heirs, successors and assigns, to allow the continued drainage of stormwater along, through, within and under said Property to the Stormwater Facilities. Township agrees to use, and to require its employees, agents, and contractors to use reasonable efforts to provide reasonable notice to Owner in advance of any such entry, and to minimize its interference with Owner’s use and enjoyment of the Property when exercising its rights and obligations hereunder.

5. The Owner and all future owners of the Property shall be responsible for the maintenance of the Stormwater Facilities in accordance with this Agreement and the Township's Ordinance, and shall keep all such facilities in a good, safe, working and reasonably neat condition in accordance with the Plan, and in a manner sufficient to meet the design standards and specifications set forth on the Plan, including Best Management Practices ("BMP's") as are reasonably necessary to meet the purpose of the Ordinance. Said maintenance shall include, but not be limited to the following:

- a. Owner shall regularly perform all inspection and maintenance of the Stormwater Facilities as is necessary and desirable to insure the proper functioning of the Stormwater Facilities.
- b. Except as may be otherwise permitted herein, Owner shall not alter the area of the Stormwater Facilities in a manner which would cause such facilities to differ from what is shown on the Plan without written approval of the Township.
- c. Owner shall regularly remove debris and silt from the Stormwater Facilities to ensure that such facilities remain in good working order.
- d. Owner shall make all repairs necessary to ensure the continued proper operation of the Stormwater Facilities.
- e. Owner shall reasonably maintain the vegetated channels and other areas in accordance with the Ordinance and Plan.
- f. Owner shall reestablish the vegetation by seeding and mulching or sodding scoured areas where vegetation has not been successfully established or where the vegetation has been damaged or destroyed.
- g. Owner shall mow as necessary to adequately control the height of grass and weeds. Chemical weed control may be used if Federal, State and local laws and regulations are met.
- h. Owner shall remove the silt from all permanent structures which trap silt or sediment in order to keep the material from building up in grass waterways, pipes, detention or retention basins, infiltration structures, BMP's, and/or other Stormwater Facilities, and thus lessening the reduction of their capacity.
- i. Owner shall keep all pipes, swales, detention facilities and outlet structures free of any debris or other obstruction.
- j. Owner shall implement a maintenance schedule as referenced on the Plan and any amendment thereto must be acceptable to the Township.

6. The Stormwater Facilities will be owned and properly maintained by Owner, its heirs, successors and assigns in a manner and form consistent with the Plan, the Ordinance, this Agreement and applicable law.

7. The Owner will perform maintenance in accordance with the approved maintenance schedule for the Stormwater Facilities as referenced on the Plan, including sediment removal as outlined on the approved schedule, this Agreement, the Ordinance, and/or the Plan.

8. a. The Owner hereby grants permission to the Township, its authorized agents and employees, upon presentation of proper identification, to enter upon the Property at reasonable times, and to inspect the Stormwater Facilities whenever the Township deems necessary. The purpose of the inspection is to ensure safe and proper functioning of the facilities.

b. When inspections are conducted by the Owner, the Owner shall give the Township copies of the inspection report with findings, upon written request.

9. In the event the Owner fails to maintain the Stormwater Facilities in good working condition as set forth above and/or otherwise breaches this Agreement, the Township shall provide Owner with a list of the maintenance responsibilities which have not been properly performed by Owner and/or the terms that have been breached by the Owner. Owner shall have fifteen (15) days to accomplish, to the Township's reasonable satisfaction, the maintenance and/or other responsibilities on the list (or such longer time that is acceptable to and approved by the Township in the event such responsibilities cannot be completed within said fifteen (15)-day period, provided that the Owner has begun corrective action within said fifteen (15)-day period) or as soon thereafter as reasonably possible if delayed due to the nature of the work required, weather or special conditions. In the event Owner fails or refuses to accomplish said maintenance and/or other responsibilities within the time periods set forth herein, Township may enter upon the Property and take reasonably necessary and prudent action to maintain said Stormwater Facilities and/or otherwise cure the breach and charge the costs of the maintenance and/or cure to the Owner. Owner shall reimburse the Township upon demand, within thirty (30) days of receipt of invoice thereof, for all costs reasonably incurred by the Township to cure Owner's breach. If not paid within said 30-day period, the Township may file a lien against the Property in the amount of such costs and may also proceed to recover costs through proceedings in equity or at law. In the event of an emergency, the Township may enter the Property, if the Owner is not immediately available, without notification or identification, to inspect and perform necessary maintenance and repairs, if needed, when the health, safety or welfare of the citizens is at imminent jeopardy. However, the Township shall notify Owner of any inspection, maintenance, or repair undertaken within five (5) days after the completion of the activity. It is understood and agreed that the Township is under no obligation to conduct any such maintenance and/or work on the Stormwater Facilities as referenced herein.

10. No permanent or temporary building, structures or vehicles, may be placed or stored within the Stormwater Facilities shown on the Plan, unless otherwise approved by the Township.

11. The Owner shall be responsible for removing all debris or litter within the Stormwater Facilities annually or as determined to be necessary by the Township. The Owner shall remove all debris or litter within the Stormwater Facilities as soon as practicable after the cessation of a 100-year or greater storm event and/or at any other time determined necessary by the Township.

12. Owner shall use reasonable efforts to conduct mowing/landscaping activities in such a way to prevent lawn and plant clippings, as well as eroded sediment, from entering the Stormwater Facilities. Lawn clippings and other yard waste shall not be disposed of within the Stormwater Facilities. Any build-up of lawn and plant clippings which materially interferes with the operation of the Stormwater Facilities must be removed and properly disposed of. If plant life required by the Plan to be maintained within the Stormwater Facilities is impaired, then Owner shall take reasonable steps to restore such plant life, which may include removing and replacing the effected soils.

13. In the event that a sinkhole should develop within the Stormwater Facilities, the Owner shall promptly notify the Township. The Owner shall remediate the sinkhole and repair the Stormwater Facilities as soon as reasonably and practicably possible.

14. Owner, for itself, its heirs, successors and assigns, agrees that the failure to maintain the Stormwater Facilities, including all drainage courses, swales, storm water inlets, pipes, conduits, detention basins, BMP's and/or other stormwater management facilities in a good condition in conformance with this Agreement and the Plan shall constitute a nuisance and shall be abatable by the Township as such.

15. The Township may require that Owner, its heirs, successors or assigns, or any future owner or occupier of the Property, or any part thereof, to take such corrective measures as the Township may deem necessary to bring the Stormwater Facilities into compliance with this Agreement and with the Plan, as approved by the Board of Supervisors of Coolbaugh Township.

16. If ownership or maintenance responsibility of the Stormwater Facilities is assigned to another association or entity, the Township shall be notified in writing prior to said assignment and the assignee shall be provided with a copy of this Agreement and the Township shall be provided with proof of said notification to the assignee.

17. All costs incurred by the Township for inspections of the Stormwater Facilities by the Township or others for the Township shall be borne by the Owner and payable to the Township within thirty (30) days of invoice thereof. Owner specifically agrees to and shall be responsible for the costs incurred by the Township for the Township's inspections of the Stormwater Facilities as permitted under this Agreement and/or the Ordinance.

18. Owner agrees to indemnify the Township and all of its elected and appointed officials, agents and employees (hereinafter collectively referred to as the “**Indemnitees**”) against and hold Indemnitees harmless from any and all claims, liability, loss or damage, including reasonable attorney’s fees and costs of investigation and defense, as a result of the design, installation, construction, operation or maintenance of the Stormwater Facilities on the Property, except to the extent arising from or caused by an Indemnitee’s gross negligence or willful misconduct.

19. The Township may, in addition to the remedies prescribed herein, proceed with any action at law or in equity to bring about compliance with the Coolbaugh Township Stormwater Management and Earth Disturbance Ordinance and/or this Agreement.

20. The singular shall include the plural and the masculine shall include the feminine and neuter, where the context thereof shall permit or otherwise require.

21. This Agreement shall extend to and bind the heirs, successors and assigns of the respective parties hereto, and shall be governed by the laws of the Commonwealth of Pennsylvania.

22. This Agreement shall be recorded among the land records of Monroe County, Pennsylvania and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have hereunto set their hands and seals the day and year first above written.

OWNER:

Witness: _____

By: _____

Name:

Title:

TOWNSHIP:

COOLBAUGH TOWNSHIP
BOARD OF SUPERVISORS

Witness: _____

By: _____

Name:

Title:

ACKNOWLEDGMENTS

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF

:

On this _____ day of _____, A.D., _____, before me, the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania, personally appeared _____, who was personally known to me to be the _____ of THE BOARD OF SUPERVISORS OF COOLBAUGH TOWNSHIP with the authorization to execute the foregoing document, and that as such, executed the foregoing instrument for the purposes therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL)

Notary Public

APPENDIX B
DRAINAGE/STORMWATER MANAGEMENT DESIGN
CRITERIA

DRAFT

**Table B-1
Runoff Curve Numbers Based on Land Use and HSG**

Cover Type and Hydrologic Condition	CNs for hydrologic soil group			
	A	B	C	D
Open Space (lawns, parks, golf courses, cemeteries, landscaping, etc.)				
Poor condition (grass cover on <50% of the area)	68	79	86	89
Fair condition (grass cover on 50% to 75% of the area)	49	69	79	84
Good condition (grass cover on >75% of the area)	40	61	74	80
Impervious Areas:				
Open water bodies: lakes, wetlands, ponds, etc.	100	100	100	100
Paved parking lots, roofs, driveways, etc. or other similar impervious surfaces	98	98	98	98
Porous Pavement and Pavers:				
Porous Pavement / Concrete on minimum 12" Clean Aggregate Base	40	40	66	70
Porous Pavers/ Pavement/Concrete Walks with min. 6" Clean Aggregate Base	40	52	75	80
Non-Impervious Driving Surfaces:				
Gravel	94	97	97	97
Dirt	88	93	94	94
Cultivated Agricultural Lands				
Row Crops (good), e.g., corn, sugar beets, soybeans	64	75	82	85
Small grain (good), e.g., wheat, barley, flax	60	72	80	84
Meadow (continuous grass, protected from grazing, and generally mowed for hay):	40	58	71	78
Brush (brush-weed-grass mixture, with brush the major element):				
Poor (<50% ground cover)	48	67	77	83
Fair (50% to 75% ground cover)	40	56	70	77
Good (>75% ground cover)	40	48	65	73
Woods:				
Poor (forest litter, small trees, and brush are destroyed by heavy grazing or regular burning)	45	66	77	83
Fair (woods are grazed but not burned, and some forest litter covers the soil)	40	60	73	79
Good (woods are protected from grazing, and litter and brush adequately cover the soil)	40	55	70	77

[1] Composite CNs for Residential , Commercial and Industrial Uses shall be computed based on the applicable values provided in this Table.

[2] If Weighted CN is less than 40, use CN=40 for runoff computations.

[3] Designer shall submit justification for the use of CN values not specified in the above Table.

Table B-2
Runoff Coefficients for the Rational Formula
By Land Use, Hydrologic Soil Group and Overland Slope
(%)

Hydrologic Soil Group (HSG) Slope	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 (a)	0.13	0.16	0.11	0.15	0.21	0.01	0.19	0.28	0.18	0.23	0.31
	0.14 (b)	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Open Space/Lawn	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Meadow	0.05	0.10	0.14	0.05	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Impervious Surfaces (including dirt, gravel)	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

(a) Runoff coefficients for storm recurrence intervals less than 25 years.

(b) Runoff coefficients for storm recurrence intervals of 25 years or more

Source: "Recommended Hydrologic Procedures for Computing Urban Runoff from Small Watersheds in Pennsylvania"
 Pennsylvania DER #609-12/90

TABLE B-3

Roughness Coefficients (Manning's "n") For Overland Flow (U.S. Army Corps Of Engineers, HEC-1 User's Manual)

Surface Description	n	
	-	-
Dense Growth	0.4	0.5
Pasture	0.3	0.4
Lawns	0.2	0.3
Bluegrass Sod	0.2	0.5
Short Grass Prairie	0.1	0.2
Sparse Vegetation	0.05	0.13
Bare Clay-Loam Soil (eroded)	0.01	0.03
Concrete/Asphalt - very shallow depths (less than 1/4 inch)	0.10	0.15
- small depths (1/4 inch to several inches)	0.05	0.10

Roughness Coefficients (Manning's "n") For Channel Flow

Reach Description	n
Natural stream, clean, straight, no rifts or pools	0.03
Natural stream, clean, winding, some pools or shoals	0.04
Natural stream, winding, pools, shoals, stony with some weeds	0.05
Natural stream, sluggish deep pools and weeds	0.07
Natural stream or swale, very weedy or with timber underbrush	0.10
Concrete pipe, culvert or channel	0.012
Corrugated metal pipe	0.012-0.027 ⁽¹⁾
High Density Polyethylene (HDPE) Pipe	
Corrugated	0.021-0.029 ⁽²⁾
Smooth Lined	0.012-0.020 ⁽²⁾

(1) Depending upon type, coating and diameter

(2) Values recommended by the American Concrete Pipe Association, check Manufacturer's recommended value.

APPENDIX C
DRAINAGE/STORMWATER MANAGEMENT PLAN
APPLICATION

DRAFT

DRAINAGE/STORMWATER MANAGEMENT PLAN APPLICATION

Application is hereby made for review and approval of a Drainage/Stormwater Management Plan and related data as submitted herewith in accordance with the Coolbaugh Township Stormwater Management Ordinance.

1. **Plan Type:** (mark with an 'X') _____ Preliminary _____ Preliminary/Final _____ Final

2. **Name of Subdivision, Land Development, or Project:**

3. **Applicant Information:**

Name (Contact): _____

Company (if applicable): _____

Address: _____

Phone: _____

Email: _____

4. **Property Owner Information:**

(If all information is same as 'Applicant', mark here with an 'X': _____

and continue to number 5.)

Current Landowner's Name(s): _____

Company (if applicable): _____

Address: _____

Phone: _____

Email: _____

5. Plan Preparer's Information:

Engineer or Surveyor's Name: _____

Company (if applicable): _____

Address: _____

Phone: _____

Email: _____

6. Type of subdivision or land development proposed: (mark with an 'X')

____ Commercial

____ Industrial

____ Residential

____ Other (Explain: _____)

7. Stormwater Design Criteria

Watershed Name: (mark with an 'X')

____ Tobyhanna Creek

____ Brodhead Creek

____ McMichael Creek

____ Wallenpaupack Creek

_____ Lehigh River

District (A, B, B-1, B-2, B-3, C, M-TC, M-WC, or N/A): _____

Subarea (if applicable): _____

Type of proposed stormwater management facility(ies):

CERTIFICATE OF ACKNOWLEDGMENT OF APPLICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE INFORMATION AND STATEMENTS GIVEN ABOVE ARE TRUE AND CORRECT.

SIGNATURE OF APPLICANT: _____

DATE OF SIGNATURE: _____

////////////////////////////////////

(Information Below This Line To Be Completed By The Municipality)

Coolbaugh Township official submission receipt:

Plan Date of Submissions:

Original Submission _____

Revision #1 Submission _____

Revision #2 Submission _____

Revision #3 Submission _____

Revision #4 Submission _____

Submission Fees

Amount Paid: _____ Date Paid: _____

Amount Paid: _____ Date Paid: _____

Amount Paid: _____ Date Paid: _____

Amount Paid: _____ Date Paid: _____

Stormwater Management Fund Fee

Amount Paid: _____ Date Paid: _____

Construction Inspections

Date Performed: _____ Inspector: _____

Date Performed: _____ Inspector: _____

Date Performed: _____ Inspector: _____

Date Performed: _____ Inspector: _____

APPENDIX D
STORMWATER MANAGEMENT DISTRICT WATERSHED MAPS

DRAFT

TOBYHANNA CREEK WATERSHED STUDY

DISTRICT LEGEND:




POST TO
DEV. PRE-DEV.
FLOW FLOW

A ~~2-33~~ YEAR ¹ ~~2-33~~ YEAR
10-YEAR 10-YEAR
50-YEAR 50-YEAR

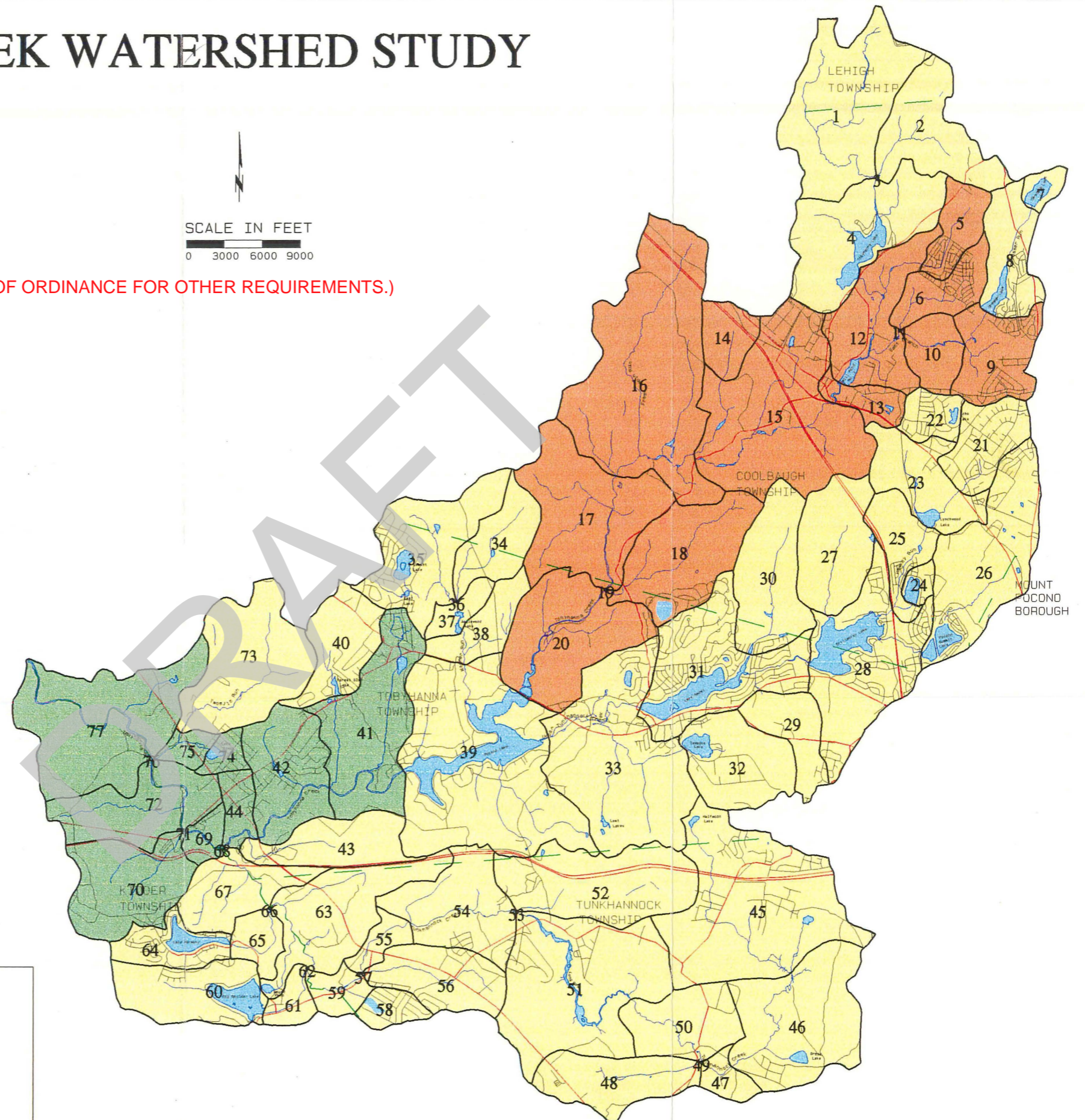
B 10-YEAR ~~2-33~~ YEAR
50-YEAR 10-YEAR

C ** DETENTION IS NOT REQUIRED IF THE INCREASE IN STORM WATER RUNOFF CAN BE CONVEYED TO A STREAM OR WATERCOURSE IN A SAFE MANNER (ORDINANCE SECTIONS 305 G, H); OTHERWISE DISTRICT A REQUIREMENTS APPLY.

(SEE SECTION 344-12. OF ORDINANCE FOR OTHER REQUIREMENTS.)

-  Subwatershed Boundaries
-  Municipal Boundary
-  Streams
-  Major Roads
-  Minor Roads
-  Lakes

SCALE IN FEET
0 3000 6000 9000



STORMWATER RUNOFF PEAK RATE DISTRICTS



Paul A. DeBarry, Project Manager
M.L.M., Map Designer

05/30/97: wabed_subwa6

Figure V-2

MANAGEMENT DISTRICTS BRODHEAD - MCMICHAEL WATERSHEDS MONROE COUNTY, PENNSYLVANIA

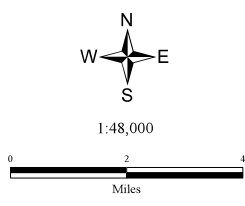
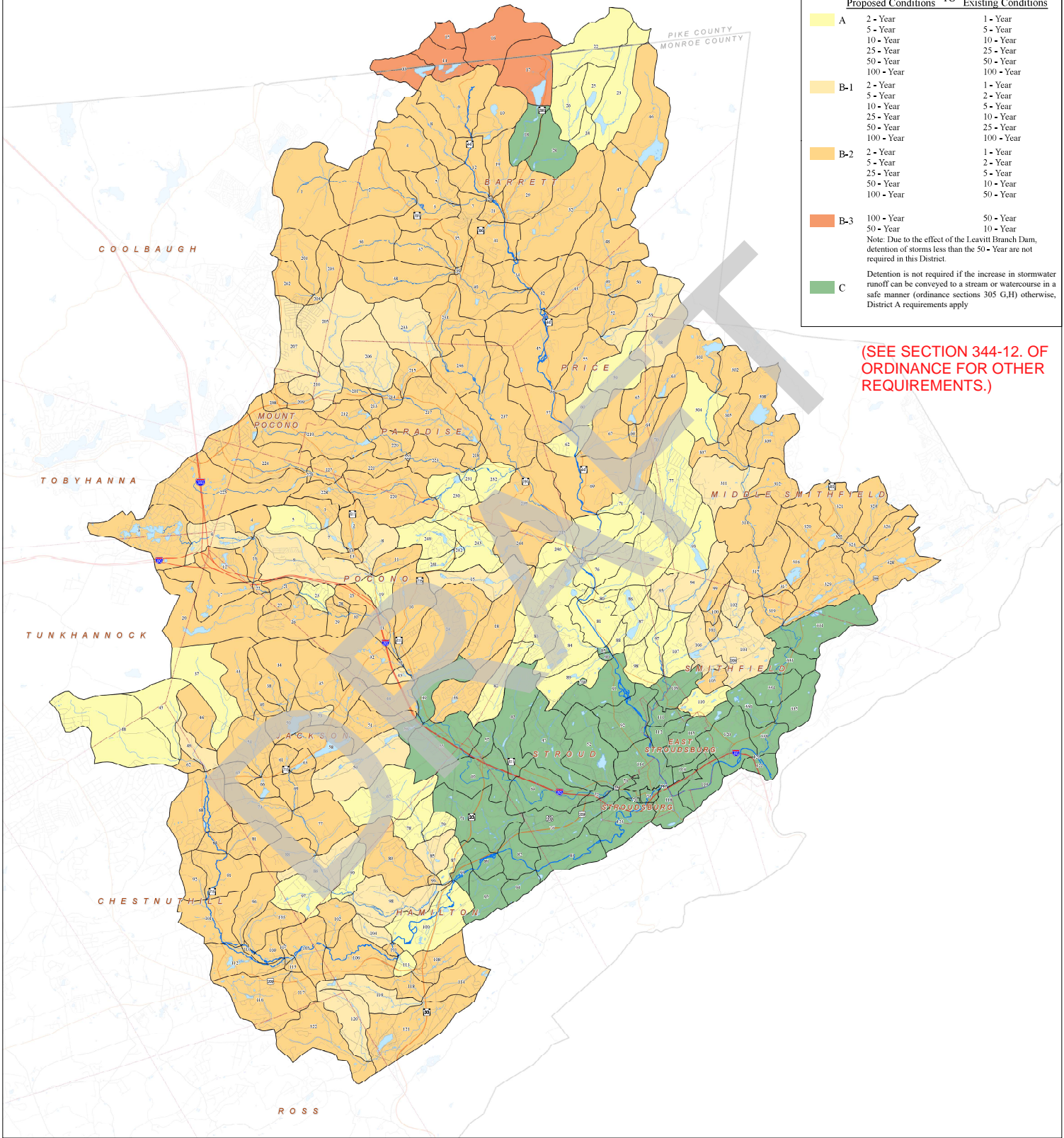
Figure V-5 - Management Districts

	Designed Storm Proposed Conditions	TO	Designed Storm Existing Conditions
A	2 - Year		1 - Year
	5 - Year		5 - Year
	10 - Year		10 - Year
	25 - Year		25 - Year
	50 - Year		50 - Year
B-1	2 - Year		1 - Year
	5 - Year		2 - Year
	10 - Year		5 - Year
	25 - Year		10 - Year
	50 - Year		25 - Year
B-2	2 - Year		1 - Year
	5 - Year		2 - Year
	25 - Year		5 - Year
	50 - Year		10 - Year
	100 - Year		50 - Year
B-3	100 - Year		50 - Year
	50 - Year		10 - Year
C			1 - Year
			2 - Year

Note: Due to the effect of the Leavitt Branch Dam, detention of storms less than the 50 - Year are not required in this District.

Detention is not required if the increase in stormwater runoff can be conveyed to a stream or watercourse in a safe manner (ordinance sections 305 G,H) otherwise, District A requirements apply

(SEE SECTION 344-12. OF ORDINANCE FOR OTHER REQUIREMENTS.)

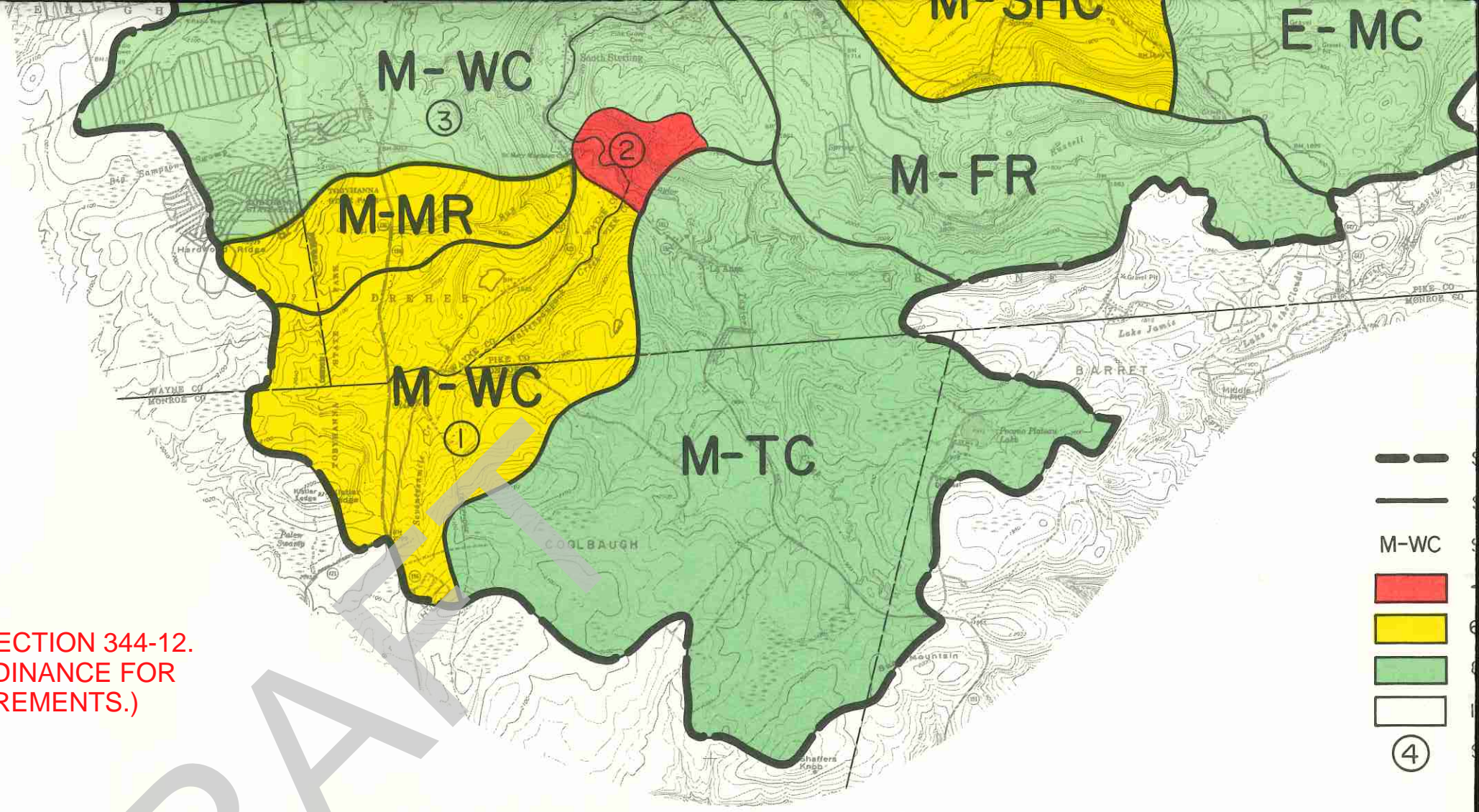
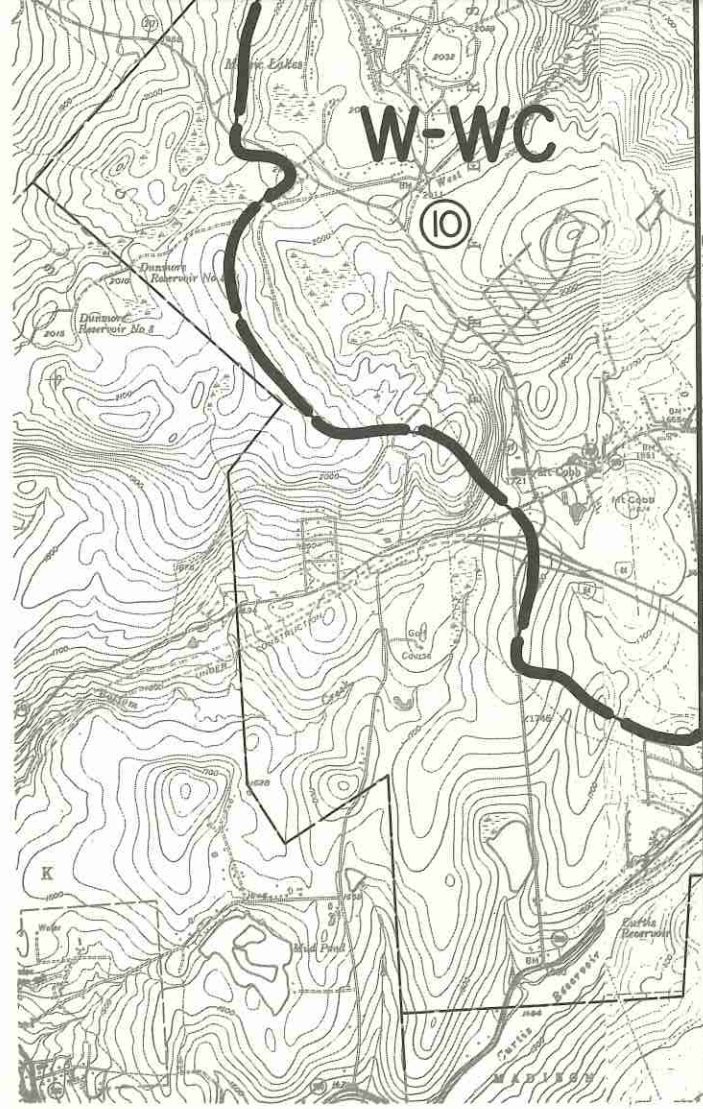


- Legend**
- Subwatershed Boundary
 - County Boundary
 - Municipal Boundary
 - Waterbody
 - Stream
 - Interstate
 - US Traffic Route
 - PA Traffic Routes
 - Ramps
 - State Routes
 - Municipal Roads
 - Private Roads
 - Private Driveways
 - Trails

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PREPARED BY:
Monroe County
Planning Commission
 1 Quaker Plaza, Room 106
 Stroudsburg, PA 18360
 (570) 517-3100
mcp@monroecountypa.gov
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(SEE SECTION 344-12.
OF ORDINANCE FOR
REQUIREMENTS.)

