

ORDINANCE NO. 2022-\_\_\_\_

AN ORDINANCE OF BLAIR TOWNSHIP, BLAIR COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP'S STORMWATER MANAGEMENT ORDINANCE TO COMPLY WITH CERTAIN REQUIREMENTS RELATING TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Blair Township, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: Chapter 338, of the Blair Township Code, entitled "Stormwater Management," is hereby amended to comply with the Pennsylvania Department of Environmental Protection's guidance relating to the National Pollutant Discharge Elimination System (NPDES) requirements for Municipal Separate Storm Sewer Systems (MS4).

SECTION 2: Chapter 338 shall be amended to include a new Section 338-7.1, entitled "Erroneous Permits," which shall read as follows:

**338-7.1      *Erroneous Permits.***

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

SECTION 3: Chapter 338 shall be amended to include a new definition in Section 338-9, entitled "Definitions." Specifically, the term "Green Infrastructure" shall be defined and included in that Section, in alphabetical order among the other terms defined in the current Section 338-9. The definition shall be as follows:

***GREEN INFRASTRUCTURE***

***Systems and practices that use or mimic natural processes to infiltrate, evapotranspire, or reuse stormwater on the site where it is generated.***

SECTION 4: Section 338-10.H(3) shall be amended to read as follows:

***(3) Incorporate the techniques for green infrastructure and low-impact development practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual)***

SECTION 5: Section 338-11, Subsection A, shall be amended to read as follows:

***A. Regulated activities that result in cumulative earth disturbances of less than 5,000 square feet are exempt from the requirements in § 338-13 (Rate Controls) and Article IV (Stormwater Management Site Plan Requirements) of this chapter. Without limiting the general applicability of this provision, a phased project will be considered to result in cumulative earth disturbance of 5,000 square feet or more if the total from all phases exceeds the threshold, regardless of the amount of earth disturbance in any particular phase.***

SECTION 6: Chapter 338 shall be amended to include a new Section 338-11.1, entitled "Waivers," which shall read as follows:

***338-11.1 Waivers.***

***A. If the Municipality determines that any requirement under this Ordinance cannot be achieved for a particular regulated activity, the Municipality may, after an evaluation of alternatives, approve measures other than those in this Ordinance, subject to Section 338-11.1, paragraphs B and C.***

***B. Waivers or modifications of the requirements of this Ordinance may be approved by the Municipality if enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modifications will not be contrary to the public interest and that the purpose of the Ordinance is preserved. Cost or financial burden shall not be considered a hardship. Modification may be considered if an alternative standard or approach will provide equal or better achievement of the purpose of the Ordinance. A request for modifications shall be in writing and accompany the Stormwater Management Site Plan submission. The request shall provide the facts on which the request is based, the provision(s) of the Ordinance involved and the proposed modification.***

***C. No waiver or modification of any regulated stormwater activity involving earth disturbance greater than or equal to one acre may be granted by the Municipality unless that action is approved in advance by the Department of Environmental Protection (DEP) or the delegated county conservation district.***

SECTION 7: The introductory paragraph to Section 338-12 shall be amended, with no changes being made to subsections A or B. Specifically, the introductory paragraph shall be amended to read as follows:

**338-12          Volume Controls.**

***The green infrastructure and low-impact development practices provided in the BMP Manual<sup>1</sup> shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection A or the Simplified Method in Subsection B below. For regulated activity areas equal or less than one acre that do not require hydrologic routing to design the stormwater facilities, this chapter establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.***

***\*  
\*  
\****

SECTION 8: Section 338-23, Subsection E, shall be amended to read as follows:

*E. All stormwater infiltration systems shall provide a volume of at least one cubic foot of every two square feet of impervious surface, and any stormwater infiltration system shall be located to capture runoff from all impervious surfaces.*

SECTION 9: Section 338-37 shall be amended, with no changes being made to subsections A, B, or C, to include a final paragraph to be inserted after Subsection 338-7.C. Specifically, the final paragraph shall read as follows:

**338-37            Inspection.**

\*  
\*  
\*

*Inspections should be conducted during or immediately following precipitation events. A written inspection report shall be created to document each inspection. The inspection report shall contain the date and time of the inspection, the individual(s) who completed the inspection, the location of the BMP, facility or structure inspected, observations on performance, and recommendations for improving performance, if applicable. Inspection reports shall be submitted to the Municipality within 30 days following completion of the inspection.*

SECTION 10: All other portions of Chapter 338, shall remain unchanged and shall remain in full force and effect.

SECTION 11: Any Ordinance or parts of Ordinances of Blair Township, Blair County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed only to the extent as the same affects this Ordinance.

SECTION 12: In the event that a court of competent jurisdiction declares any section or provision of this Ordinance or of Chapter 338 to be invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance or of Chapter 338.

SECTION 13: This Ordinance shall become effective five (5) days after adoption.

ADOPTED as an Ordinance of the Board of Supervisors of the Township of Blair, Blair County, Pennsylvania, at a meeting of said Board of Supervisors held on the 15<sup>th</sup> day of November, 2022.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seal this 15<sup>th</sup> day of November, 2022.

ATTEST:

TOWNSHIP OF BLAIR

\_\_\_\_\_  
Secretary

By \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_