

## Chapter 152

# EROSION AND SEDIMENT CONTROL

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[HISTORY: Adopted by the BOROUGH COUNCIL 10-20-93 as Ord. No. 803. Amendments noted where applicable.]

#### GENERAL REFERENCES

Grading - See Ch. 107.

Stormwater management - See Ch. 153.

**ARTICLE I**  
***General Provisions***

**§ 152.1. Purpose.**

The purpose of this chapter is to control accelerated erosion and the resulting sediment pollution to waters of this commonwealth that occur on earthmoving sites within the BOROUGH. These regulations are adopted and implemented to achieve the following general objectives:

152.1.1. To specify the type and size of an earthmoving activity which is or has been inadequately regulated in the past.

152.1.2. To present and/or control earthmoving activities within environmentally sensitive areas, including wetlands and waterways of the commonwealth.

152.1.3. To restrict and/or control earthmoving activities in areas with naturally occurring steep slopes and/or highly erodible soils.

152.1.4. To regulate the earthmoving activities resulting from land development.

**§ 152.2. Title.**

This chapter shall be known and may be cited as the "Erosion and Sediment Pollution Control Ordinance."

**§ 152.3. Applicability.**

The provisions of this chapter shall apply to all subdivision and land developments within the BOROUGH unless otherwise modified herein.

**§ 152.4. Scope.**

152.4.1. It shall be unlawful for any PERSON, landowner, business or corporation to undertake any earthmoving activities in excess of one thousand (1,000) square feet without developing, implementing and maintaining erosion and sediment pollution control measures and facilities that effectively minimize accelerated erosion and prevent sediment pollution to waters of this commonwealth. These controls shall be contained in an erosion and sedimentation control plan that meets the requirements of the Department of Environmental Resources, Chapter 102, Erosion Control, regulations. A copy of the erosion and sedimentation control plan must be available at the earthmoving site at all times.

152.4.2. Prior to the approval of any grading plan permit by the BOROUGH, an erosion and sedimentation control plan must be submitted to and approved by the Allegheny County Conservation District. This requirement will be waived upon receipt of a copy of a Department of Environmental Resources' earth disturbance permit for sites involving more than twenty-five (25) acres of earthmoving.

**§ 152.5. Definitions.**

The following terms and words are used in the Rules and Regulations of the Commonwealth of Pennsylvania, Title 25, Chapter 102, and shall have the following meanings for the purpose of the administering and enforcing of this chapter.

**ACT** - The Pennsylvania Municipalities Planning Code (Act of July 31, 1968, Act No. 247, as reenacted December 21, 1988, and set out at 53 P.S. § 10101 et seq.).

**APPLICANT** - A landowner or developer, as defined by this chapter, who has filed an application for development, including his/her heirs, successors and assigns.

**CHANNEL** - A natural stream that conveys water; a ditch or open channel excavated for the flow of water.

**CONSERVATION DISTRICT (ACCD)** - The Allegheny County Conservation District.

**DESIGN STORM** - The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., twenty-five-year storm) and duration (e.g., twenty-four-hour) and used in computing stormwater management control systems and erosion and sedimentation control facilities.

**DEVELOPMENT** - Any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.

**DEVELOPMENT SITE** - A lot, parcel or tract of land on which DEVELOPMENT is taking place or is proposed.

**DISCHARGE**- The rate of flow, specifically fluid flow; a volume of fluid flowing from a conduit or CHANNEL, or being released from detention storage, per unit of time; commonly expressed as cubic feet per second (cfs), million gallons per day (mgd), gallons per minute (gpm) or cubic meters per second (cms). See also "rate of runoff."

**DRAINAGE**- Interception and removal of excess surface water or groundwater from land by artificial or natural means.

**DRAINAGE AREA** - The contributing land area to a single DRAINAGE basin, expressed in acres, square miles or other units of area; also called a "catchment area," "watershed" or "river basin"; the land area served by a DRAINAGE system or by a watercourse receiving storm- and surface water, also called "subarea."

**DRAINAGE BASIN** - The land area from which water is carried off by a DRAINAGE system; also called a "watershed" or "catchment."

**DRAINAGE EASEMENT** - A right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

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

**FLOODPLAIN** - A normally dry land area adjacent to stream channels that is susceptible

to being inundated by overbank stream flows. For regulatory purposes, the Pennsylvania Flood Plain Management Act (Act of October 4, 1978, P.L. 851, No. 166<sup>1</sup>) and regulations pursuant to the ACT define the "floodplain" as the area inundated by a one-hundred-year flood and delineated on a map by FEMA (Federal Emergency Management Agency) or by the APPLICANT in accordance with BOROUGH ordinance requirements.

**HYDRAULICS** - The branch of science concerned with the mechanics of fluids, especially liquids. As applied in EROSION and sedimentation control, the study of the characteristics of water flow in, and conveyance capacity of, a watercourse, considering such factors as depth, velocity and turbulence.

**HYDROLOGY** - The science dealing with the waters of the earth and their distribution and circulation through the atmosphere. Engineering "hydrology" deals with the application of hydrologic concepts to the design of projects for use and control of water.

**INTERMITTENT FLOW** - Flow that starts and stops again at different intervals.

**LAND DISTURBANCE** - Any activity involving grading, tilling, digging or fillings or stripping of vegetation; or another activity which causes land to be exposed to the danger of EROSION or changed water flow characteristics.

**OUTFALL** - Points or areas at which stormwater runoff leaves streams, storm sewers, swales or other well defined natural or artificial DRAINAGE features, as well as areas of dispersed overland flows within the site and/or leaving the site.

**PA DER** - Pennsylvania Department of Environmental Resources.

**PEAK RATE OF RUNOFF (or DISCHARGE)** - The maximum rate of flow of water at a given point and time resulting from a predetermined storm.

**PERFORMANCE STANDARD** - A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it. A specification standard, in contrast, is one which prescribes the exact characteristic to be used leaving little choice to the APPLICANT.

**POINT OF INTEREST** - A point of hydraulic concern such as a bridge, culvert or CHANNEL section for which the rate of runoff is computed or measured.

**PREAPPLICATION CONFERENCE** - A meeting with the BOROUGH prior to a formal application submittal.

**RATE OF RUNOFF** - Instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as DISCHARGE." Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

**RUNOFF CHARACTERISTICS** - The surface components of any watershed which affect the rate, amount and direction of stormwater runoff. These may include but are not

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<sup>1</sup> Editor's Note: See 32 P.S. § 679.101 et seq.

being limited to vegetation, soils, slopes and man-made landscape alterations.

SCS - Soil Conservation Service, United States Department of Agriculture.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported or has been removed from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface.

SEDIMENTATION - The process by which SEDIMENT is deposited on stream bottoms.

STORM SEWER - A sewer that carries intercepted surface runoff, street water and other wash waters, or DRAINAGE, but excludes domestic sewage and industrial wastes.

STORMWATER COLLECTION/CONVEYANCE SYSTEM - Natural or engineered structures which collect and transport stormwater through or from a DRAINAGE AREA to the point of final outlet, including but not limited to any of the following: conduits and appurtenant features, canals, CHANNELS, ditches, streams, culverts, streets and pumping stations.

STORMWATER MANAGEMENT PLAN - The plan for managing stormwater runoff from a specific DEVELOPMENT SITE.

STORMWATER RUNOFF - Waters resulting from snowmelt or precipitation within a DRAINAGE BASIN, flowing over the surface of the ground, collected in CHANNELS and conduits and carried by receiving streams.

STREAM - A watercourse.

SUBAREA - A portion of the watershed that has similar hydrological characteristics and drains to a common point. Also called a "DRAINAGE AREA."

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

WATERCOURSE (WATERWAY) - Any CHANNEL or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or INTERMITTENT FLOW.

WATERSHED - The entire region or area drained by a river or other body of water, whether natural or artificial.

WATERS OF THIS COMMONWEALTH - Rivers, STREAMS, creeks, rivulets, impoundments, ditches, WATERCOURSES, STORM SEWERS, lakes, dammed water, wetlands, ponds, springs and other bodies or CHANNELS of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this commonwealth. (Source: the Clean Streams Law<sup>2</sup>)

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<sup>2</sup> Editor's Note: See 35 P.S. § 691.1 et seq.

**ARTICLE II**  
***Plan Regulations***

**§ 152.6. Plan contents.**

152.6.1. EROSION and SEDIMENTATION Control Plans shall be developed in accordance with the Department of Environmental Resources Chapter 102 regulations. A complete explanation of the regulations and recommendations for preparing plans is available in DER'S publication Erosion and Sediment Pollution Control Program Manual. This manual is available through the offices of the County Conservation District.

152.6.2. The EROSION and SEDIMENTATION plan details shall be in conformance to the BOROUGH'S standards of construction pertaining to EROSION and SEDIMENTATION control. The use of these standards shall be in accordance with the standards set forth in DER'S publication Erosion and Sediment Pollution Control Program Manual. In addition, if required, a National Pollutant Discharge Elimination System (NPDES) permit must be obtained prior to construction.

**ARTICLE III**  
***Administrative Procedures***

**§ 152.7. Intent.**

It is the purpose of these regulations to prescribe the procedures by which the administration of this chapter shall take place. Nothing contained within this section shall be interpreted as limiting the adoption of administrative regulations which do not supersede required stated procedures.

**§ 152.8. Administration.**

152.8.1. Applications for approval of an EROSION and SEDIMENTATION control plan under the requirements of this chapter shall be made by completing all required spaces on the standard application and tracking form (Attachment A<sup>3</sup>) and forwarding the form to the Allegheny County Conservation District at the address shown. No grading permits will be issued by the BOROUGH unless and until an approved EROSION and SEDIMENTATION control plan is received.

152.8.2. The Code Enforcement Officer shall have the duty of administering the provisions of this chapter. The Code Enforcement Officer shall have all the powers and duties conferred on him by this chapter and the Pennsylvania Municipalities Planning Code.<sup>4</sup>

**§ 152.9. Fees.**

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<sup>3</sup> Editor's Note: Attachment A is on file in the BOROUGH offices.

<sup>4</sup> Editor's Note: See 53 P.S. § 10101 et seq.

Fees for the review of the EROSION and SEDIMENTATION control plan that will be charged by the Allegheny County Conservation District will be set by the Allegheny County Conservation District and set by resolution of the BOROUGH COUNCIL. The APPLICANT will be responsible for all fees associated with the approval of the plan, such fees to include but not limited to inspection, engineering, legal and administrative. Said fees are posted with the MUNICIPALITY. The application and tracking form found in Attachment A<sup>5</sup> must be filled out and a copy must be submitted to both the County Conservation District and the BOROUGH. The APPLICANT must determine the amount of the fee that will apply to his/her application. Anyone requiring an explanation of district charges for plan reviews should contact the district for such information.

**§ 152.10. Enforcement.**

152.10.1. The BOROUGH and the Allegheny County Conservation District are hereby authorized and directed to conduct both routine and emergency site inspections of ongoing earthmoving operations within the BOROUGH boundaries of the BOROUGH to establish compliance with the approved EROSION and SEDIMENTATION control plan.

152.10.2. The BOROUGH and/or the Allegheny County Conservation District are hereby authorized to enforce a cease-in-work directive if the contractor and/or owner has failed to adhere with the approved EROSION and SEDIMENTATION control plan.

**§ 152.11. Violations of plan; inspection report.**

152.11.1. All violations of the approved EROSION and SEDIMENTATION control plan determined during a site inspection shall be listed on an inspection report which itemizes the following items for each violation:

152.11.1.1. The specific type of violation, including location and scope.

152.11.1.2. Provides a period of time during which the PERSON(S) responsible for the earthmoving activity may correct the violations without the assessment of any penalties.

152.11.1.3. The completed inspection report shall be signed by the inspector and PERSON responsible for the earthmoving activity (or a designated representative) and a copy provided to the latter party.

**§ 152.12. Complaints regarding violations.**

Whenever a violation of this chapter occurs or is alleged to have occurred, any PERSON must file a written complaint stating fully the causes and basis of the complaint with the Code Enforcement Officer. The Code Enforcement Officer shall record the complaint immediately and investigate it promptly and take any necessary action as provided by this chapter. The Code Enforcement Officer shall notify the complainant of the results of his investigation and any action taken.

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<sup>5</sup> Editor's Note: Attachment A is on file in the BOROUGH offices.

**§ 152.13. Enforcement notice.**

The enforcement notice shall contain the following information:

152.13.1. The name of the owner of record and any other PERSON against whom the BOROUGH intends to take action.

152.13.2. The location of the property in violation.

152.13.3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.

152.13.4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

152.13.5. That the recipient of the notice has the right to appeal to the BOROUGH.

**§ 152.14. Violations and penalties.**

Should the PERSON(S) responsible for undertaking the earthmoving operations fail to meet the deadline for correcting violations of this chapter, as specified in the official inspection report, the BOROUGH will issue a formal notice of violation to said PERSON(S). The notice will list, for each violation that has occurred, a civil enforcement penalty of not more than five hundred dollars (\$500.), plus all court costs including reasonable attorneys' fees incurred by the BOROUGH as a result thereof. Each day that a violation continues shall constitute a separate violation.

**§ 152.15. Enforcement remedies.**

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the GOVERNING BODY or, with the approval of the GOVERNING BODY, an officer of the BOROUGH, and the County Conservation District's representative in addition to other remedies, may institute in the name of the MUNICIPALITY any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

**§ 152.16. Executive powers.**

The proper officers of the BOROUGH are authorized to execute a memorandum of understanding between the Allegheny County Conservation District and the BOROUGH, which memorandum shall be incorporated.