



# BOROUGH OF DORMONT

1444 HILLSDALE AVE  
PITTSBURGH, PA 15216-2019  
(412) 561-8900  
FAX (412) 561-7805  
[www.boro.dormont.pa.us](http://www.boro.dormont.pa.us)

BOROUGH MANAGER  
BENJAMIN R. ESTELL

MAYOR  
PHIL ROSS

SOLICITOR  
DODARO MATTA & CAMEST

MEMBERS OF COUNCIL  
WILLARD MCCARTNEY, PRESIDENT  
JOAN HODSON, VICE PRESIDENT  
YVONNE COSTANZO  
JEFF RAHUS  
DREW LEHMAN  
JOHN MAGGIO  
VALERIE MARTINO

## REGULAR BUSINESS MEETING DORMONT BOROUGH COUNCIL September 8, 2015

1. Executive Session
  - a. Contract Negotiations
2. Call to Order
3. Pledge of Allegiance
4. Roll Call
5. Registered Comments from the Public
6. Comments from the Mayor
7. Council Committee Reports
8. Council President's Report
9. Borough Manager's Report
10. Consent Agenda
  - a. Motion to approve the written report of the Solicitor.
  - b. Motion to approve the written reports of Borough Officials.
  - c. Motion to approve the Minutes of the August 3, 2015 Council Business Meeting.
  - d. Motion to approve the Warrant list for August 2015.
  - e. Motion to accept recommendation of the Engineer to approve Payment No. 1, in the amount of \$34,518.91 to Niando Construction Co. for 2015 Sewer Repair Project – Contract B Excavation.
  - f. Motion to accept recommendation of the Engineer to approve payment No. 1, in the amount of \$16,953.39 to Robinson Pip Cleaning, for 2015 Sewer Repair Project – Contract A Spot Lining & Grouting.
  - g. Motion to accept recommendation of the Engineer to approve payment No. 2, in the amount of \$16,953.39 to Robinson Pip Cleaning, for 2015 Sewer Repair Project – Contract A Spot Lining & Grouting



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## REGULAR BUSINESS MEETING DORMONT BOROUGH COUNCIL September 8, 2015

- h. Motion to approve recommendation of the Manager to contract with Middle Department Inspection Agency for building inspection services.

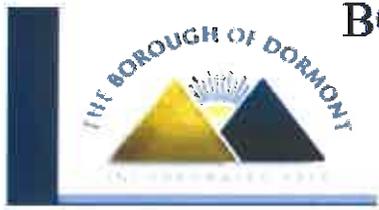
### 11. Action Items

- a. **Motion to adopt Resolution #12-2015, authorizing the filing of an application for funds with the Allegheny County Department of Economic Development, for the demolition of 1470 Dormont Avenue. – Property, Supplies & Planning Committee – Valerie Martino, Chairperson**
  - i. Public Comment
  - ii. Council Discussion
- b. **Authorization to advertise proposed Ordinance #1610, regulating non-storm water discharges to the storm drainage system to comply with National Pollutant Discharge Elimination System. – Finance & Legal Committee – Onnie Costanzo, Chairperson**
  - i. Council Discussion
  - ii. Public Comment
- c. **Authorization to advertise proposed Ordinance #1611, to implement updated Stormwater management controls as required by federal and state regulations. - Finance & Legal Committee – Onnie Costanzo, Chairperson**

### 12. Discussion Items

### 13. Citizens' Comments

### 14. Adjournment



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## REGULAR BUSINESS MEETING DORMONT BOROUGH COUNCIL

**TO:** Borough Council

**FROM:** Benjamin Estell, Borough Manager

**SUBJECT:** Summary of Activities for the month of August 2015

**DATE:** August 28, 2015

### Meetings Attended:

August 4, 2015: Meeting with Ed Rice of Broadview Network

August 6, 2015: Meeting with Pension Board; Meeting with Hollywood Theater Representatives

August 10, 2015: Meeting with John Fleming of Team AMCOM

August 11, 2015: Meeting with John Hohman of Simpson|McRady

August 12, 2015: SHACOG Advisory Council

August 18, 2015: Peer-to-Peer meeting with Rebecca Bradley and Michael Foreman

August 20, 2015: 3RWWWG, Meeting to discuss Historic Preservation grant, SHACOG General Assembly Meeting

August 21, 2015: One-on-One with Councilman Maggio, Unemployment Appeal Hearing

August 25, 2015: Mainstreet Meeting

August 26, 2015: Town Center Associates Meeting to discuss façade program and signage

August 27, 2015: Meeting with ALCOSAN and AECOM, Meeting with Unilock Paver representative to discuss porous pavers

August 26-September 1, 2015: Clerk candidate interviews

**Actions:**

Hired Jennifer Taylor as part-time consultant to establish Stormwater Authority.

Appoint Kristin Hullihen as Acting Manager for future absences.

**TAXING DISTRICT: BOROUGH OF DORMONT**  
**TAX COLLECTOR'S REPORT TO TAXING DISTRICTS**  
**PREPARED ON: 08/02/2015 FOR TAX YEAR 2015**  
**FOR THE PERIOD: 07/01/2015 TO 07/31/2015**

<u>A. COLLECTIONS</u>	<u>REAL ESTATE</u>	<u>INTERIM/OTHER</u>	<u>PER CAPITA</u>
Balance Collectable	304,827.46	.00	.00
Additions: During the Period	834.21	.00	.00
Deductions: Credits during the Period	294.22	.00	.00
Total Collectable	305,367.45	.00	.00
LESS: Face Collected for the Period	69,416.14	.00	.00
LESS: Deletions from the List	.00	.00	.00
LESS: Exonerations	.00	.00	.00
LESS: Liens/Non-Lienable Installments	.00	.00	.00
<b><u>BALANCE COLLECTABLE - END OF PERIOD</u></b>	<b><u>235,951.31</u></b>	<b><u>.00</u></b>	<b><u>.00</u></b>

**B. RECONCILIATION OF CASH COLLECTED**

Face Amount of Collections	69,416.14	.00	.00
Plus: Penalties	1,021.67	.00	.00
Less: Discounts	.00	.00	.00
Total Cash Collected per Column	70,437.81	.00	.00

**TOTAL CASH COLLECTED**

**70,437.81**

**C. PAYMENT OF TAXES**

Amount Remitted During the Period (SEE ATTACHED SCHEDULE)	70,437.81
Amount Paid with this Report Applicable to this Reporting Period	.00

**TOTAL REMITTED THIS PERIOD**

**70,437.81**

List Other Credit Adjustments (SEE ATTACHED SCHEDULE)	294.22
Interest Earnings (if applicable)	.00

<u>TAXING DISTRICT USE (OPTIONAL)</u>	
Carryover from Previous Period \$	_____
Amount Collected this Period \$	_____
Less Amount Paid this Period \$	_____
Ending Balance \$	_____

*Harry W. Luberman*  
 \_\_\_\_\_  
 Tax Collector

*8-7-2015*  
 \_\_\_\_\_  
 Date

I verify this is a complete and accurate reporting of the balance collectable, taxes collected and remitted for the period.

Received by (taxing district): \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

I acknowledge the receipt of this report.

TAXING DISTRICT: BOROUGH OF DORMONT  
TAX COLLECTOR'S REPORT TO TAXING DISTRICTS  
PREPARED ON: 08/02/2015 FOR TAX YEAR 2015  
FOR THE PERIOD: 07/01/2015 TO 07/31/2015

SUPPORTING SCHEDULE FOR PAYMENT OF TAXES

DEPOSIT DATE	REAL ESTATE COLLECTED	PER CAPITA COLLECTED	TOTAL COLLECTED
07/01/2015	49,511.65	.00	49,511.65
07/03/2015	6,597.69	.00	6,597.69
07/11/2015	4,677.32	.00	4,677.32
07/23/2015	5,015.65	.00	5,015.65
07/30/2015	4,635.50	.00	4,635.50
<b>** TOTAL:</b>	<b>70,437.81</b>	<b>.00</b>	<b>70,437.81</b>

# DORMONT VOLUNTEER FIRE DEPARTMENT

## MONTHLY ALARM SUMMARY

<b>MONTH YEAR</b>	<b>TOTAL ALARMS</b>	<b>TOTAL DRILLS</b>	<b>TOTAL DAMAGES</b>
<b>July 2015</b>			
7/01/2015	2841 West Liberty Ave.	Fire Alarm	None
7/04/2015	W Liberty / Mississippi	MVA	None
7/04/2015	565 Oxford Blvd.	Poss. Structure Fire	None
7/06/2015	2903 Voelkel Ave.	Assist PD.	None
7/07/2015	2961 West Liberty Ave.	MVA	None
7/07/2015	1655 Dormont Ave.	Power Lines Down	None
7/08/2015	1229 Biltmore Ave.	Odor Investigation	None
7/08/2015	Peermont/Pinehurst	Odor Investigation	None
7/10/2015	3090 West Liberty Ave.	Fire Alarm	None
7/10/2015	2936 West Liberty Ave.	Fire Alarm	None
7/11/2015	2936 W. Liberty Ave.	False Alarm	None
7/15/2015	929 North Meadowcroft Ave.	Mutual Aid.	None
7/16/2015	3319 W. Liberty Ave.	False Alarm	None
7/16/2015	1250 Lindendale Dr.	Gas Pump Fire(MA)	None
7/18/2015	1801 Dormont Ave.	Water Condition	None
7/18/2015	1444 Hillsdale Ave	Fire Alarm	None
7/19/2015	729 Orchard Street	Poss Structure Fire	None
7/20/2015	3254 Wainbell Ave.	Assist Medics	None
7/20/2015	2905 Glenmore Ave.	Water condition	None
7/23/2015	1218 Dormont Ave.	Illegal Rec. Fire	None
7/26/2015	Dell / Alabama	MVA	None
7/26/2015	2831 Dwight Ave	Fire Alarm	None
7/29/2015	2900Bl West Liberty	MVA	None
7/30/2015	1468 Edgehill Ave	Cable Line down	None
7/30/2015	1434 Edgehill Ave	Residential Lockout	None
7/30/2015	1401 Alabama Ave.	Electrical Problem	None
7/31/2015	2676 Crosby Ave.	Mulch Fire	None

**DORMONT VOLUNTEER FIRE DEPARTMENT**

**MONTHLY SUMMARY REPORT**

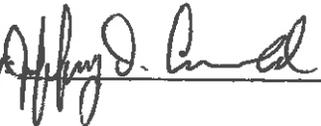
**July 2015**

<b>Total Alarms</b>	<b>27</b>
<b>Drills.</b>	<b>2</b>
<b>False Alarms.</b>	<b>7</b>
<b>Alarms in House</b>	<b>9</b>
<b>Alarms in Buildings.</b>	<b>10</b>
<b>Mutual Aid (Given to other Departments)</b>	<b>4</b>
<b>Alarms Involving Automobiles and Trucks.</b>	<b>4</b>
<b>Alarms Involving Brush, Rubbish, Misc.</b>	<b>1</b>
<b>Day Alarms 06:00 AM. To 1800 Hrs.</b>	<b>15</b>
<b>Night Alarms 1800 Hrs.. To 06:00 AM.</b>	<b>12</b>
<b>Total Number of Volunteers at Alarms.</b>	<b>132</b>
<b>Total Number of Volunteers at Drills</b>	<b>15</b>
<b>Total Number of Career Staff at Alarms</b>	<b>36</b>
<b>Total Number of Career Staff at Drills</b>	<b>4</b>
<b>Estimated Value of Property Involved in Fires</b>	<b>0</b>
<b>Estimated Property Lost Due to Fire</b>	<b>0</b>
<b>Single Largest Loss</b>	<b>0</b>
<b>Monthly Stipend</b>	<b>\$ 1,316.00</b>

**FIRE DEPARTMENT MEMBERS OR RESIDENTS INJURED OR TREATED AT ALARMS  
MUTUAL AID GIVEN OR RECEIVED**

15-0000169 Dormont Fire Assist Mt. Lebanon Fire  
15-0000172 Dormont Fire Assist Mt. Lebanon Fire  
15-0000175 Dormont Fire Assist Glendale Fire  
15-0000171 Dormont Fire Assist Mt. Lebanon Fire

Dormont Fire Chief



Date: July 2015

# Calls for Service - by UCR Code

Incidents Reported Between 07/01/2015 and 07/31/2015

DORMONT BOROUGH



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
0320	ROBBERY-KNIFE OR CUTTING INSTRUMENT	1			
0440	ASSAULT - ATROCIOUS- HANDS,FISTS,FEET	1			
0512	BURGLARY-FORCED ENTRY-RESIDENCE-DAY	1			
0617	THEFT-\$200 & OVER-FROM BUILDINGS	3			
0621	THEFT-\$50 TO \$200-POCKET PICKING	1			
0690	THEFT - REPORTS	1			
0810	SIMPLE PHISICAL ASSAULTS	2	1		
0830	SEXUAL ASSAULT	1			
1010	FORGERY	0	1		
1410	CRIMINAL MISCHIEF TO AUTOMOBILES	3			
1430	CRIMINAL MISCHIEF - PUBLIC BUILDINGS	1			
1490	CRIMINAL MISCHIEF - REPORTS	2			
1831	NARCOTICS-POSSESSION-MORPHINE,HEROIN,ETC	1			
2110	DRIVING UNDER THE INFLUENCE-LIQUOR/DRUGS	1			
2122	DRIVE UNDER INFLUENCE - DRUGS-IMPAIRED	1			
2211	LIQUOR LAW-UNDERAGE-PURCH,CONSMP,POSSES	1			
2300	PUBLIC DRUNKENESS	7	2		
2400	DISORDERLY CONDUCT	1	3	2	
2600	ALL OTHER CRIMES CODE VIOLATIONS	0	1		
2650	ALL OTHERS - PUBLIC NUISANCE	1			
2710	TRAFFIC OFFENSES (COURT CASES NOT DUI)	2	1	1	
3100	ALARMS - BUSINESS/RESIDENCE	12			
3102	ALARMS - FIRE	1			
3110	ANIMAL - BARKING DOGS	1			
3112	ANIMAL - OTHER (STRAYS, REFER TO A.C ETC	2			
3120	CASUALTY - ASSIST MEDICS/EMERGENCY	28			
3131	DEATHS - UNATTENDED (NOT SUICIDE)	1			
3133	DEATHS - NATURAL CAUSES	1			
3140	DISTURBANCE - BAR/RESTAURANT	3			
3141	DISTURBANCE - HOUSEHOLD	7			
3142	DISTURBANCE - PUBLIC AREA	9			
3143	DISTURBANCE - NOISE	6			
3145	DISTURBANCE - PFA/CUSTODY DISPUTE	1			
3147	DISTURBANCE - ALL OTHER	7			
3151	HARASSMENT - REPORT ONLY	3			
3160	HAZARD - TRAFFIC	3			
3161	HAZARD - ALL OTHER	2			
3172	JUVENILE - ALL OTHER	1			
3180	MENTAL COMPLAINT - REPORT ONLY	1			
3190	ORDINANCE VIO. (IF CITED, SEE 2800'S)	6			
3200	PROPERTY - LOST,FOUND,RECOVERED	5			
3211	SERVICE - ASSIST OTHER AGENCY/P.D.	8			
3212	SERVICE - ESCORT/BANK RUN	25			
3213	SERVICE - LOCK OUT /HOME OR VEHICLE	7			
3215	SERVICE - MOTORIST ASSIST	4			
3216	SERVICE - REQUEST FOR PATROL	1			
3217	SERVICE - ALL OTHER	4			
3218	SERVICE - FOOT PATROL	4			



# Calls for Service - by UCR Code

Incidents Reported Between 07/01/2015 and 07/31/2015

DORMONT BOROUGH



Code	Description	Primary Count	Secondary UCR Count		
			Code 2	Code 3	Code 4
3220	SERVICE - BUSINESS/RESIDENCE CHECK	1			
3240	SUSPICIOUS CIRC. - OPEN DOOR/WINDOW	3			
3241	SUSPICIOUS CIRC. - PERSON(S)	19			
3242	SUSPICIOUS CIRC. - VEHICLE(S)	7			
3243	SUSPICIOUS CIRC. - ALL OTHER	26			
3244	SUSPICIOUS CIRC. - 9-1-1 HANG-UP CALL	1			
3252	TRAFFIC ACCIDENT - NON/REPORTABLE	11			
3253	TRAFFIC ACCIDENT - LEAVING THE SCENE	6			
3254	TRAFFIC ACCIDENT - PROPERTY DAMAGE	1			
3255	TRAFFIC ACCIDENT - ALL OTHER	1			
3260	TRAFFIC - ENFORCEMENT	1			
3261	TRAFFIC - FIRE SCENE ASSIST	2			
3262	TRAFFIC - IMPOUNDMENT/WHEEL LOCK	7			
3263	TRAFFIC - PARKING	13			
3266	TRAFFIC - ALL OTHER	1			
3271	WARRANT SERVICE - OUTSIDE AGENCY	3			
3273	PFA SERVICE - OUTSIDE AGENCY	2			
3280	VACATION HOME - REQUEST FOR PATROL	1			
6004	TRAFFIC ACCIDENT INVOLVING DAMAGE	1			
6006	TRAFFIC ACCIDENT INVOLVING INJURY	1			
CITT	TRAFFIC CITATION	14			
<b>Total Calls</b>		<b>307</b>			



Juris No. 02422  
 NCIC Code PA0020800

**RETURN A MONTHLY COUNT OF OFFENSES  
 KNOWN TO POLICE**

1 CLASSIFICATION OF OFFENSES PART I OFFENSES	2 OFFENSES REPORTED	3 UNFOUND COMPLAINTS	4 ACTUAL OFFENSES	(a) TOTAL CLEARED	(b) JUVENILE CLEARED
<b>1. HOMICIDE</b> A. MURDER B. MANSLAUGHTER					
<b>2. RAPE TOTAL</b>					
A. RAPE B. ATTEMPTED RAPE					
<b>3. ROBBERY TOTAL</b>	1		1		
A. FIREARM B. KNIFE OR CUTTING INST. C. OTHER DANGEROUS WEAPON D. STRONG ARM (HANDS, ETC)	1		1		
<b>4. ASSAULT TOTAL</b>	3		3	1	
A. FIREARM B. KNIFE OR CUTTING INST. C. OTHER DANGEROUS WEAPON D. AGGRAVATED (HANDS, ETC) E. SIMPLE (HANDS, ETC)	3		3	1	
<b>5. BURGLARY TOTAL</b>	1		1		
A. FORCIBLE ENTRY B. UNLAWFUL ENTRY C. ATTEMPTED FORCIBLE	1		1		
<b>6. LARCENY THEFT TOTAL</b>	5		5		
<b>7. MOTOR VEHICLE THEFT TOTAL</b>					
A. AUTOS B. TRUCKS AND BUSSES C. OTHER VEHICLES					
<b>9. ARSON TOTAL</b>					
<b>TOTAL PART I OFFENSES</b>	10		10	1	

\* EXCEPTIONAL CLEARANCES INCLUDED

@ INCLUDES OFFENSE(S) REPORTED IN PREVIOUS MONTHS

NUMBER OF POLICE OFFICERS KILLED		ASSAULTED
FELON	NEGLIG	

DORMONT BOROUGH POLICE DEPARTMENT

(412)561-8900

Department Reporting

ALLEGHENY, PA 15216

County

Report for the month of July, 2015

Date of Report: August 3, 2015

Prepared by \_\_\_\_\_

Juris No. 02422  
 NCIC Code PA0020800

**RETURN A MONTHLY COUNT OF OFFENSES  
 KNOWN TO POLICE**

1 CLASSIFICATION OF OFFENSES PART II OFFENSES		2 OFFENSES REPORTED	3 UNFOUND COMPLAINTS	4 ACTUAL OFFENSES	(a) TOTAL CLEARED	(b) JUVENILE CLEARED
100. FORGERY & COUNTERFEIT.						
110. FRAUD						
120. EMBEZZLEMENT						
130. STOLEN PROP-REC,POSSES						
140. VANDALISM		6		6	1	
150. WEAPONS-CARRYING, POSSES						
160. PROSTITUTION, COMM VICE						
170. SEX OFFENSES (EX 02,160)						
180. DRUG ABUSE VIOL TOTAL		1		1		
SALE	A. OPIUM-COCAINE B. MARIJUANA C. SYNTHETIC D. OTHER					
POSSESSION	A. OPIUM-COCAINE B. MARIJUANA C. SYNTHETIC D. OTHER	1		1		
190. GAMBLING TOTAL						
A. BOOK MAKING B. NUMBERS, ETC. C. OTHER						
200.OFF AGAINST FAMILY & CHILD.						
210. DRIVING UNDER INFLUENCE		2		2	2	
220. LIQUOR LAWS		1		1	1	
230. DRUNKENNESS		7		7	4	
240. DISORDERLY CONDUCT		1		1		
250. VAGRANCY						
260. ALL OTHER OFFENSES		1		1	1	
TOTAL PART II OFFENSES TOTAL		19		19	9	

**C**  
 02422 PA0020800  
 Juris No. ORI (NCIC) No.

**PENNSYLVANIA  
 MONTHLY RETURN OF PERSONS CHARGED**

AC  
 OR  
 OT

**CLASSIFICATION OF OFFENSES**

Arrested Held for Prosecution    Summoned Notified or Cited    Total Persons Charged    Guilty of Offense Charged    Guilty of Lesser Charge    Acquitted or Otherwise Dismissed    Referred to Juvenile Court Jurisdiction

**PART I Offenses**

01A Murder & Nonnegligent Manslaugh							
01B Manslaughter by Negligence							
020 Forcible Rape							
030 Robbery							
040 Aggravated Assault	1		1				
050 Burglary-Breaking and Entering							
060 Larceny-Theft (except M.V.)							
070 Motor Vehicle Theft							
080 Other Assaults	1		1				
090 Arson							
<b>Total PART I</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**PART II Offenses**

100 Forgery and Counterfeiting							
110 Fraud							
120 Embezzlement							
130 Stolen Property							
140 Vandalism	1		1				
150 Weapons:Carrying,Possession							
160 Prostitution & Commerc. Vice							
170 Sex Offenses							
180 Drug Abuse Violations							
190 Gambling							
200 Offenses Against Family&Child.							
210 Driving Under the Influence	2		2				
220 Liquor Laws	1		1				
230 Drunkenness	7		7				
240 Disorderly Conduct		1	1	1			
250 Vagrancy							
260 All Others (exc Traffic)	1		1				
<b>Total PART II</b>	<b>12</b>	<b>1</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Persons Charged</b>	<b>14</b>	<b>1</b>	<b>15</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>

**DORMONT BOROUGH POLICE DEPARTMENT**  
 Department Reporting  
**ALLEGHENY PA 15216**  
 County Zip Code  
**JULY, 2015**  
 Report for the Month of

**AUGUST 03, 2015**  
 Date of Report  
 Prepared By Title  
 Head of Department



## MEMORANDUM

**Date:** August 27, 2015

**To:** Benjamin Estell, Borough Manager

**From:** Wayne R. McVicar, P.E., Borough Engineer

**Subject:** 2015 Sewer Repair Projects – Contract A Spot Line & Grouting  
**RECOMMENDATION FOR PAYMENT**  
**Payment #2; Robinson Pipe Cleaning**

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On August 13, 2015, the contractor, Robinson Pipe Cleaning, submitted a request for payment for the above referenced project. The request included three (3) copies of the Contractor's Application For Payment No. 2, with original signatures, in the amount of **\$19,661.08**. Also enclosed were the Certified Payrolls for the estimate period.

I have reviewed the payment request and find that the payment request is justified for the work performed under the contract. I therefore recommend payment to Robinson Pipe Cleaning, in the amount of **\$19,661.08**.

The three (3) copies of the Contractor's Application For Payment No. 2 with original signatures, along with the Certified Payrolls, are on file in my office pending further processing upon Council approval.

# CONTRACTORS APPLICATION FOR PAYMENT

<b>TO OWNER:</b> BOROUGH OF DORMONT 144 Hillsdale Avenue, Suite 10 Pittsburgh, PA 15216-2019	<b>PROJECT NAME:</b> 2015 SEWER REPAIR CONTRACT - CONTRACT A SPOT LINING & GROUT
<b>FROM CONTRACTOR:</b> ROBINSON PIPE CLEANING 2656 IDLEWOOD RD PITTSBURGH, PA 15205	<b>APPLICATION NUMBER:</b> 2  <b>PERIOD:</b> 6-29-15 TO 7-13-15  <b>DATE:</b> August 21, 2015
<b>PROJECT NUMBERS:</b> BOROUGH: 04250-31 CONTRACTOR:	

## CONTRACTOR'S APPLICATION FOR PAYMENT

See attached continuation sheet

CHANGE ORDER SUMMARY	Additions	Deductions	
Number			
TOTALS	\$0.00	\$0.00	
NET CHANGE BY CHANGE ORDERS	\$0.00		

1. ORIGINAL CONTRACT PRICE.....	\$ 555,287.50
2. Net change by Change Orders.....	\$ 0.00
3. Current Contract Price (Line 1 ± 2).....	\$ 555,287.50
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$ 337,361.70
5. RETAINAGE:	
a. 2% X \$37,361.70 Work Completed.....	\$ 7,472.23
b. 0% X \$0.00 Stored Material.....	\$ 0.00
c. Total Retainage (Line 5a + Line 5b).....	\$ 7,472.23
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 336,614.47
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 116,953.39
8. AMOUNT DUE THIS APPLICATION.....	\$ 19,661.08
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$ 338,334.11

### CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of:	\$ <b>19,661.08</b>
is recommended by:	_____ (Engineer)
Payment of:	\$ <b>19,661.08</b>
is approved by:	_____ (Owner)
Approved by:	_____ Funding Agency (if applicable)

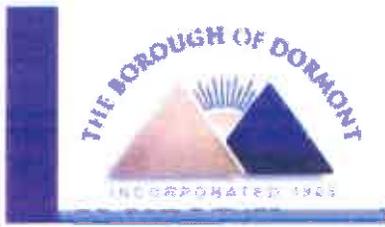
CONTRACTOR: **Robinson Pipe Cleaning**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Contractor's Application**

**Progress Estimate**

For (Contract):		2015 SEWER REPAIR CONTRACT - CONTRACT A SPOT LINING & GROUTING		Application Number: 2							
Application Period: 6-29-15 TO 7-13-15		Application Date: August 21, 2015									
Bid Item No.	Description	Bid Item Quantity	Units	Unit Price	Bid Value (\$)	Quantity Installed	Installed Value	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
1	Mobilization & Demobilization, complete in place.	1	LS	\$1,000.00	\$1,000.00	1	\$1,000.00		\$1,000.00	100.0%	\$0.00
2	12" CIPP Lining (Spot Liner), all depths, complete in place.	30	LF	\$375.00	\$11,250.00	26	\$9,750.00		\$9,750.00	86.7%	\$1,500.00
3	8" CIPP Lining (Spot Liner), all depths, complete in place.	15	LF	\$350.00	\$5,250.00	6	\$2,100.00		\$2,100.00	40.0%	\$3,150.00
4	Removal of Protruding Service Taps, complete in place.	30	EA	\$350.00	\$10,500.00	16	\$5,600.00		\$5,600.00	53.3%	\$4,900.00
5	Reinstatement of Active Service Laterals, complete in place.	1	EA	\$450.00	\$450.00	1	\$450.00		\$450.00	100.0%	\$0.00
6	Grouting of Active Service Laterals, complete in place.	10	EA	\$575.00	\$5,750.00	9	\$5,175.00		\$5,175.00	90.0%	\$575.00
7	Additional Length For Grouting of Active Service Laterals Beyond Eight (8) Feet, complete in place.	50	LF	\$100.00	\$5,000.00		\$0.00		\$0.00		\$5,000.00
8	Grouting of Joint in 8" VCP Pipe, complete in place.	6	EA	\$750.00	\$4,500.00	7	\$5,250.00		\$5,250.00	116.7%	-\$750.00
9	Grouting of Joint in 12" VCP Pipe, complete in place.	1	EA	\$950.00	\$950.00	3	\$2,850.00		\$2,850.00	300.0%	-\$1,900.00
10	Heavy Cleaning & Root Removal, complete in place.	150	LF	\$9.00	\$1,350.00		\$0.00		\$0.00		\$1,350.00
11	Provision of Chemical Grout, complete in place.	100	GAL	\$6.75	\$675.00	108	\$729.00		\$729.00	108.0%	-\$54.00
12	Post Repair Sanitary Sewer CCTV Inspection & Light Cleaning, complete in place.	1,375	LF	\$3.90	\$5,362.50	1,143	\$4,457.70		\$4,457.70	83.1%	\$904.80
13	Traffic Control & Resident Notification, complete in place.	1	LS	\$2,500.00	\$2,500.00		\$0.00		\$0.00		\$2,500.00
14	Photographic Documentation, complete in place.	1	LS	\$750.00	\$750.00		\$0.00		\$0.00		\$750.00
<b>Totals</b>					<b>\$55,287.50</b>		<b>\$37,361.70</b>	<b>\$0.00</b>	<b>\$37,361.70</b>		<b>\$17,925.80</b>



**MEMORANDUM**

**Date:** August 28, 2015  
**To:** Benjamin Estell, Borough Manager  
Willard McCartney, Council President  
**From:** Wayne R. McVicar, P.E., Borough Engineer *WRM*  
**Subject:** Engineer's Report – September 2015

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1. **COUNCIL ACTION REQUESTED**

- a. **2015 Sewer Repair Project – Contract B Excavation – (\$54,649.00)**  
**Niando Construction, Inc.**  
Recommend approval of Payment No. 1, in the amount of \$34,518.91 to Niando Construction, Co. See my July 16, 2015 Recommendation of Payment memo.
- b. **2015 Sewer Repair Project – Contract A Spot Lining & Grouting – (\$55,287.50) Robinson Pipe Cleaning**  
Recommend approval of Payment No. 1, in the amount of \$16,953.39 to Robinson Pipe Cleaning. See my August 7, 2015 Recommendation of Payment memo.
- Recommend approval of Payment No. 2, in the amount of \$19,661.08 to Robinson Pipe Cleaning. See my August 27, 2015 Recommendation of Payment memo.

2. **ENGINEERING IN PROGRESS**

- a. **ALCOSAN Sewer Regionalization Implementation**  
On August 27, 2015 the Borough Manager and Engineer met with representatives from ALCOSAN to identify sewers for transfer.
- b. **ACHD Administrative Consent Order**  
**Final Semi-Annual Progress Report**  
The semi-annual report is due February 28, 2015. This year's report included CCTV Inspection and Repair Reports for all sewers located in the Borough that were 10" diameter and larger (235 pipes). The report was submitted on February 27, 2015.

- c. **ALCOSAN 2014 Wasteload Management Report**  
The annual report was submitted on February 27, 2015.
- d. **CD Year 41 Application**  
The application has been approved. The full application has been approved in the amount of \$32,477.00. The final scope of services and budget has been provided to SHACOG. Final plans and specifications are due to SHACOG by September 3, 2015.

3. **CONSTRUCTION IN PROGRESS**

- a. **Removal And Replacement of Collapsed Spot Liner on Kelton Avenue**  
**Contractor: Insight Pipe Contracting, LP & Robinson Pipe Cleaning**  
Liner removal work is to be scheduled.
- b. **2015 Operation & Maintenance Contract (\$85,402.00)**  
**Contractor: Miller Pipetech, Inc.**  
Contract was awarded at the August 3, 2015 Council Meeting. Contracts are being processed.
- c. **Removal of Sewer Blockage on Dwight Avenue – (\$2,800)**  
**Insight Pipe Contracting, LP**  
Project is 100% complete. Obstruction was removed on August 4, 2015.
- d. **2015 Cured-In-Place Pipe Lining contract – (\$102,233.88)**  
**Insight Pipe Contracting, LP**  
Project is 100% complete.
- e. **2015 Sewer Repair Contracts – Contract A – Spot Lining & Grouting**  
**Robinson Pipe Cleaning, Co. – (55,233.88)**  
Project is 100% complete.
- f. **2015 Sewer Repair Contracts – Contract B – Spot Excavation**  
**Niando Construction, Inc. – (54,649.00)**  
Project was awarded at the April 6, 2015 council meeting. Construction began on April 13, 2015. Project is complete except for punch list items.

## AGREEMENT

This Agreement is made this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ to take effect \_\_\_\_\_, 20\_\_\_\_ by and between the **Borough of Dormont**, located in **Allegheny** County, Pennsylvania (**hereinafter Borough**) and the **Middle Department Inspection Agency, Inc.**, a Pennsylvania business corporation with it's office located at 101 North Meadow Drive Suite 130, Wexford, Pennsylvania (**hereinafter MDIA**).

Whereas, the **Borough** intends to administer and enforce the provisions of the Pennsylvania Construction Code (Act 45 of 1999) (and all implementing regulations adopted thereunder) and requires the services of a qualified third party inspection agency to assist the **Borough** in enforcing the UCC; and

Whereas, **MDIA** has qualified inspectors available to perform the required services on an as needed basis in exchange for payment of reasonable fees.

Whereas, the **Borough** desires to retain the services of **MDIA** to provide inspection and Code enforcement services for the **Borough** on an as needed basis.

Whereas, the parties have discussed the terms of this undertaking and have taken all action required to enter into this Agreement.

Now therefore, for and in consideration of the mutual covenants hereafter set forth and for other good and valuable consideration, the receipt of which is acknowledged, the parties, intending to be legally bound hereby, agree as follows:

1. **MDIA** shall perform the following services for the **Borough of Dormont**:
  - a. inspect electrical, mechanical and accessibility installations to determine compliance with the **Borough's** applicable Electrical, Mechanical and Accessibility Codes;
  - b. review plans and specifications for proposed building construction, electrical, mechanical and accessibility installations, and existing structures to determine compliance with the above referenced Codes and Ordinances;
  - c. provide assistance in enforcement proceedings and consultation services;
  - d. maintain data and records regarding inspections and services and if requested and appropriate provide the **Borough** with information, documentation and certifications relating to inspection and code enforcement activities;
  - e. assist in the administration of the above referenced Codes and Ordinances as may be required;

- f. respond to all inspection requests initiated by the applicant. The request shall be made to the **MDIA** office/inspector with permit number. **MDIA** shall promptly report any failure to request or obtain any required inspection to the **Borough** office;
  - g. shall advise the **Borough** when each inspection has been completed and the results thereof;
  - h. will provide all **MDIA** inspectors with cell phones for the purpose of maintaining contact during normal business hours;
  - i. will furnish to the **Borough**, as an Additional Insured, a Certificate of Insurance providing for not less than one million dollars (\$1,000,000.00) in general liability and professional liability coverage (copies enclosed);
- 2. The **Borough** recognizes that **MDIA**, its agents, employees and servants are independent contractors, and not employees of the **Borough**.
  - 3. In consideration of the foregoing representations by **MDIA**, the **Borough** shall name **MDIA** as its official third party inspection agency to perform the services referenced or implied in this Agreement and the respective Ordinances relating hereto.
  - 4. The **Borough** agrees to pay **MDIA** for its services in accordance with the attached fee schedule that is part of this agreement. **MDIA** shall bill for its services on or about the 15<sup>th</sup> of each month.
    - a. The **Borough** shall consult with **MDIA** regarding the application of the fee schedule.
- (4. *OPTIONAL WORDING for item 4*  
*For the service provided by MDIA, the Township agrees to have MDIA collect the fees directly from the customer as set forth in the attached fee schedules.)*
- 5. The fee schedules may be changed from time to time upon agreement of the parties which shall be noted by a written addendum to this Agreement, signed by the parties.
  - 6. **MDIA** will designate in writing, qualified inspectors who will perform the services required under this Agreement. **MDIA** reserves the right to add or substitute persons so designated.

7. This Agreement shall remain in effect until \_\_\_\_\_, and shall be renewed automatically each year thereafter. This Agreement may be terminated by either party upon serving the other party with a written notice of termination at least one hundred and twenty (120) days before the termination date. This Agreement shall be automatically terminated on the date set forth in such notice.
8. MDIA will complete all inspections on all projects MDIA started regardless of any requested termination date of this agreement.
9. In the event that MDIA must appear in any legal proceedings relevant to this agreement, a charge for such appearance is seventy five dollars (\$75.00) per hour with a three hour minimum charge.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day herein above stated.

**ATTEST:**

**Borough of Dormont, Allegheny County,  
Pennsylvania**

\_\_\_\_\_  
**Secretary**

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Council**

\_\_\_\_\_  
**Council**

\_\_\_\_\_  
**MDIA  
Assistant Manager**

\_\_\_\_\_  
**MDIA  
Manager**



## BOROUGH OF DORMONT

### RESOLUTION 12-2015 CDBG CONCURRING RESOLUTION

**A RESOLUTION OF THE BOROUGH OF DORMONT IN THE COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDS WITH THE ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT.**

**WHEREAS**, the Borough of Dormont is desirous of obtaining funds from the Department of Economic Development in the amount of \$22,000 under the Federal Housing and Community Development Act as amended.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Dormont does hereby formally request a grant from the Allegheny County Department of Economic Development.

**RESOLVED FURTHER**, that the Borough of Dormont does hereby designate Stanley Louis Gorski as the official to file all applications, documents, and forms between the Borough of Dormont and the Allegheny County Department of Economic Development.

**RESOLVED FURTHER**, that the Borough of Dormont will assure, where applicable, the provision of the full local share of the project costs.

**RESOLVED FURTHER**, that the Borough of Dormont will assure, that the project will be awarded or under construction within 180 days after contractual execution.

**ADOPTED** this 8<sup>th</sup> day of September, 2015

ATTEST:

BOROUGH OF DORMONT

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Benjamin Estell  
Borough Manager

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Willard McCartney  
Council President

# ILLCIT DISCHARGE AND CONNECTION ORDINANCE

ORDINANCE NO. \_\_\_\_\_

## SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Borough of Dormont through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

## SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks,

regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Borough of Dormont and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Dormont Stormwater Authority.

**SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.**

The Dormont Stormwater Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Dormont Stormwater Authority may be delegated in writing by the Director of the Dormont Stormwater Authority to persons or entities acting in the beneficial interest of or in the employ of the agency.

**SECTION 5. COMPATIBILITY WITH OTHER REGULATIONS.**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**SECTION 6. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

**SECTION 7. ULTIMATE RESPONSIBILITY.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**SECTION 8. DISCHARGE PROHIBITIONS.**

**8.1. Prohibition of Illegal Discharges.**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- (2) Discharges or flow from firefighting, and other discharges specified in writing by the Dormont Stormwater Authority as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing, however this activity requires a verbal notification to the Dormont Stormwater Authority prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided

that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

## 8.2. Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Dormont Stormwater Authority.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Dormont Stormwater Authority requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Dormont Stormwater Authority.

## SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

### 9.1. Submission of NOI to Dormont Stormwater Authority.

- (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Dormont Stormwater Authority prior to the allowing of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (NOI) to the Dormont Stormwater Authority at the same time the operator submits the original Notice of Intent to the EPA as applicable.
- (3) The copy of the Notice of Intent may be delivered to the Dormont Stormwater Authority either in person or by mailing it to:

Notice of Intent to Discharge Storm Water  
Dormont Stormwater Authority  
1444 Hillsdale Avenue  
Pittsburgh, PA 15216
- (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the Notice of Intent to do so to the Dormont Stormwater Authority.

## SECTION 11. COMPLIANCE MONITORING

### 11.1. Right of Entry: Inspection and Sampling.

The Dormont Stormwater Authority shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Dormont Stormwater Authority.
- (2) Facility operators shall allow the Dormont Stormwater Authority ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The Dormont Stormwater Authority shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Dormont Stormwater Authority to conduct monitoring and/or sampling of the facility's storm water discharge.
- (4) The Dormont Stormwater Authority has the right to require the discharger to install monitoring equipment as necessary and as approved by the Dormont Stormwater Authority. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Dormont Stormwater Authority and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the Dormont Stormwater Authority access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Dormont Stormwater Authority reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

### 11.2. Search Warrants.

If the Dormont Stormwater Authority has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the county, then the Dormont Stormwater Authority may seek issuance of a search warrant from any court of competent jurisdiction.

## SECTION 12. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

Dormont Stormwater Authority will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner

or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

### SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Dormont Stormwater Authority in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Dormont Stormwater Authority within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

### SECTION 14. VIOLATIONS, ENFORCEMENT, AND PENALTIE

#### 14.1. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Dormont Stormwater Authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Dormont Stormwater Authority is authorized to seek costs of the abatement as outlined in [Section 17](#).

#### 14.2. Warning Notice.

When the Dormont Stormwater Authority finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Dormont Stormwater Authority may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Dormont Stormwater Authority to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

#### 14.3. Notice of Violation.

Whenever the Dormont Stormwater Authority finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Dormont Stormwater Authority may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) A statement that the determination of violation may be appealed to the Dormont Stormwater Authority by filing a written notice of appeal within ten (10) days of service of notice of violation; and
- (7) A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property
- (5) Payment of a fine in the amount of \$100 per day plus administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

#### 14.5. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Dormont Stormwater Authority may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

#### 14.6. Suspension Of MS4 Access.

##### 14.6.1. Emergency Cease and Desist Orders

When the Dormont Stormwater Authority finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Dormont Stormwater Authority may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Dormont Stormwater Authority may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Dormont Stormwater Authority may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Dormont Stormwater Authority that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Dormont Stormwater Authority within sixty (60) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

##### 14.6.2. Suspension due to Illicit Discharges in Emergency Situations

The Dormont Stormwater Authority may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Dormont Stormwater Authority may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

##### 14.6.3. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Dormont Stormwater Authority will notify a violator of the proposed termination of its MS4 access. The violator may petition the Dormont Stormwater Authority for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Dormont Stormwater Authority.

14.7. Civil Penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within sixty (60) days, or such greater period as the Dormont Stormwater Authority shall deem appropriate, after the Dormont Stormwater Authority has taken one or more of the actions described above, the Dormont Stormwater Authority may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation.

14.8. Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 per violation per day and/or imprisonment for a period of time not to exceed thirty (30) days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Dormont Stormwater Authority. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the municipal authority upholding the decision of the Dormont Stormwater Authority, then representatives of the Dormont Stormwater Authority shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION.

Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Dormont Stormwater Authority by reason of such violation. The liability shall be paid in not more than four (4) equal payments. Interest at the rate of one and one-half (1-1/2) percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

SECTION 18. INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the

requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### SECTION 19. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

#### SECTION 20. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### SECTION 21. CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 30 days.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

#### SECTION 22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Dormont Stormwater Authority to seek cumulative remedies.

The Dormont Stormwater Authority may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

#### SECTION 23. ADOPTION OF ORDINANCE.

This ordinance shall be in full force and effect [ ] days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

### SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Dormont Stormwater Authority in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Dormont Stormwater Authority within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

### SECTION 14. VIOLATIONS, ENFORCEMENT, AND PENALTIE

#### 14.1. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Dormont Stormwater Authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Dormont Stormwater Authority is authorized to seek costs of the abatement as outlined in Section 17.

**BOROUGH OF DORMONT**

**ORDINANCE NUMBER:**

**AN ORDINANCE OF THE BOROUGH OF DORMONT, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER ???, ADOPTED ??????; AS AMENDED BY ORDINANCE NUMBER ???, ADOPTED ?????? AND AS AMENDED BY ORDINANCE ??? ADOPTED ?????? TO IMPLEMENT UPDATED STORMWATER MANAGEMENT CONTROLS AS REQUIRED BY FEDERAL AND STATE REGULATIONS**

**Section I. Ordinance Number 802, as amended by Ordinance Numbers 869 and 964 is hereby amended by rescinding therefrom Section 506 in its entirety. Ordinance Number 869 is hereby amended by rescinding therefrom Section 506-A in its entirety. Ordinance Number 964 is hereby repealed in its entirety.**

**Section II. Ordinance Number 802 is hereby further amended by adding thereto as Section 506 (subdivided into Section 101, et seq.,) and providing as follows:**

**ARTICLE I - GENERAL PROVISIONS**

**Section 101. Short Title**

This Ordinance shall be known and may be cited as the "Borough of Dormont MS4 Stormwater Management Ordinance."

**Section 102. Statement of Findings**

The governing body of the Borough finds that:

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases nonpoint source pollution of water resources.
- B. A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- C. Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.

- D. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities (MS4 municipalities) are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

### **Section 103. Purpose**

The purpose of this Ordinance is to promote health, safety, and welfare within the Borough of Dormont and the Saw Mill Run watershed by minimizing the harms and maximizing the benefits described in Section 102 of this Ordinance, through provisions designed to:

- A. Meet legal water quality requirements under state and Federal law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- B. Preserve the natural drainage systems as much as possible.
- C. Manage stormwater runoff close to its source.
- D. Provide procedures and performance standards for stormwater planning and management.
- E. Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Provide proper implementation, operation and maintenance of all SWM BMPs that are employed within the Borough.
- G. Provide standards to meet NPDES permit requirements

### **Section 104. Statutory Authority**

The Borough also is empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.

### **Section 105. Applicability**

All Regulated Activities within the Borough, and all stormwater runoff entering the Borough's separate storm sewer system from lands within and tributary to the Municipal boundary, including the sources of such runoff, and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this Ordinance. Activities regulated by this Ordinance include, but are not limited to, the following:

- A. Land Development;
- B. Subdivision;

- C. Construction of new or additional impervious or semi-pervious surfaces, to include driveways and parking lots, for example;
  - a. Construction of new buildings or additions to existing buildings;
- D. Installation, maintenance, and alterations to stormwater management facilities or appurtenances thereto;
- E. Any earth disturbances or other activities that involve the alteration or development of land, or removal of trees and vegetation in a manner that may affect post-construction stormwater runoff;
- F. New earth disturbance activities on previously developed properties, which includes properties that have been graded, altered, and/or compacted, whether or not any structures have been built;
- G. The demolition or partial demolition of an existing facility; however, such work required for building or site maintenance, parking lot resurfacing, roof replacement, building exterior repairs, etc., shall not constitute Regulated Activities unless deemed so by the Borough;
- H. Construction of new buildings or facilities in existing impervious or semi-pervious areas, including the full or partial redevelopment of existing properties.

#### **Section 106. Repealer**

The Borough, with the adoption of this Ordinance, hereby repeals Section 506 and 506-A of Borough Ordinance No. 802, as amended. Ordinance Number 964 and any other ordinance provision(s) or regulation of the Borough inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

#### **Section 107. Severability**

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

#### **Section 108. Compatibility with Other Requirements**

Approvals issued and actions taken under this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation, or ordinance.

#### **Section 109. Erroneous Permit**

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

## ARTICLE II – DEFINITIONS

For the purposes of this Ordinance, 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 words “shall” and “must” are mandatory; the words “may” and “should” are permissive.

**ACT 167** – The Storm Water Management Act (Act of October 4, 1978, P.L. 864 No. 167; 32 P.S. § 680.1-680.17, as amended).

**ACT 167 Plan** – The Plan for managing stormwater runoff throughout a designated watershed, adopted by Allegheny County as required by the Pennsylvania Storm Water Management Act (Act 167).

**Applicant** – A landowner, developer, or other person who has filed an application to the Borough for approval to engage in any regulated activity at a project site in the Borough.

**Best Management Practice (BMP)** – Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state and Federal water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: “structural” or “nonstructural.” In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**Conservation District** – A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

**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. Also see Return Period.

**Detention Volume** – The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

**DEP** – The Pennsylvania Department of Environmental Protection.

**Development Site (Site)** – See Project Site.

**Disturbed Area** – An unstabilized land area where an earth disturbance activity is occurring or has occurred.

**Drainage System** – All facilities and natural features used for the movement of stormwater through and from a drainage area, including, but not limited to, any and all of the following; conduits, pipes and appurtenant features, channels, ditches, culverts, streets, swales, and gutters, as well as all watercourses, water bodies, and wetlands.

**Earth Disturbance Activity** – A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

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

**Existing Condition** – The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

**FEMA** – Federal Emergency Management Agency.

**Hydrologic Soil Group (HSG)** – Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS<sup>3,4</sup>).

**Impervious Surface (Impervious Area)** – A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces requiring building expansion, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.

**Land Development (Development)** – Inclusive of any or all of the following meanings: (i) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; (ii) any subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

**Municipality** – Borough of Dormont, Allegheny County, Pennsylvania.

**MS4** – Municipal Separate Storm Sewer System.

**NRCS** – USDA Natural Resources Conservation Service (previously SCS).

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

**Pervious Area** – Any area not defined as impervious.

**Project Site** – The specific area of land where any regulated activities in the Borough are planned, conducted, or maintained.

**Qualified Professional** – Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.

**Regulated Activities** – Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

**Regulated Earth Disturbance Activity** – Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

**Retention Volume/Removed Runoff** – The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

**Return Period** – The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

**Runoff** – Any part of precipitation that flows over the land.

**Sediment** – Soils or other materials transported by surface water as a product of erosion.

**State Water Quality Requirements** – The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Federal Clean Water Act

**Stormwater** – Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

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

**Stormwater Management Best Management Practices** – Is abbreviated as **BMPs** or **SWM BMPs** throughout this Ordinance.

**Stormwater Management Site Plan** – The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in

accordance with this Ordinance. **Stormwater Management Site Plan** will be designated as **SWM Site Plan** throughout this Ordinance.

**Subdivision** – As defined in The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.

**USDA** – United States Department of Agriculture.

**Waters of this Commonwealth** – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all 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.

**Watershed** – Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

**Wetland** – Areas that are inundated or saturated by surface or groundwater 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 STANDARDS**

#### **Section 301. General Requirements**

- A. For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 302:
  - 1. Preparation and implementation of an approved SWM Site Plan is required.
  - 2. No regulated activities shall commence until the Borough issues written approval of a SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.
- B. SWM Site Plans approved by the Borough, in accordance with Section 406, shall be on site throughout the duration of the regulated activity.
- C. The Borough may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.
- D. For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual (E&S Manual)*<sup>2</sup>, No. 363-2134-008 (April 15, 2000), as amended and updated.

E. Impervious areas:

1. The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
2. For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
3. For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance.

F. Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s) by the developer. Such stormwater flows shall be subject to the requirements of this Ordinance.

G. All regulated activities shall include such measures as necessary to:

1. Protect health, safety, and property;
2. Meet the water quality goals of this Ordinance by implementing measures to:
  - a. Minimize disturbance to floodplains, wetlands, and wooded areas.
  - b. .
  - b. Avoid erosive flow conditions in natural flow pathways.
  - c. Minimize thermal impacts to waters of this Commonwealth.
  - d. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
3. To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the *Pennsylvania Stormwater Best Management Practices Manual* (BMP Manual)<sup>1</sup>.

H.

I. Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.

J. Normally dry, open top, storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 and not more than 72 hours from the end of the design storm.

K. The design storm volumes to be used in the analysis of peak rates of discharge shall be as follows:

1. 1-Yr, 24-Hr Storm = 2.00 inches

2.	2-Yr, 24-Hr Storm	–	2.50 inches
3.	10-Yr, 24-Hr Storm	–	3.61 inches
4.	25-Yr, 24-Hr Storm	–	4.31 inches
5.	100-Yr, 24-Hr Storm	–	5.71 inches

Other storm volumes and intensities should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14<sup>5</sup> can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

- L. For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, the Clean Water Act and the Storm Water Management Act.
- M. Various BMPs and their design standards are listed in the BMP Manual<sup>1</sup>, subject to any requirements of this Ordinance.

### **Section 302. Exemptions**

Some activities may be exempted from the full requirements of this Ordinance as detailed below. Unless specifically noted as automatic, exemption requests must be submitted to and approved by the Borough. Any exemption granted shall apply only to the portions of this Ordinance specifically noted. All other stormwater management design elements, such as a storm sewer system, culverts, erosion and sedimentation controls, etc., shall still be required.

- A. There shall be no exemptions for activities resulting in earth disturbance exceeding 1 acre.
- B. Activities that do not require a Site Plan or Land Development Plan approval from the Borough may be exempt, subject to the review of the exemption request by the Borough.
- C. Individual detached single-family homes that are not part of an existing or planned subdivision with an approved SWM Site Plan shall be exempt from the requirement to submit a complete SWM Site Plan.
- D. The subdivision of one single-family detached residential lot into two such lots, or a subdivision including only the revision of the lot line(s) between two such lots, shall be exempt from the requirement to submit a complete SWM Site Plan. Should the Borough suspect that repeated such subdivisions are being used to circumvent the planning requirement, the Borough reserves the right to revoke the exemption.
- E. The work required to return a property to its previous condition following a loss resulting from an act of nature, fire, or accident, etc., shall be exempt from the requirement to submit a complete SWM Site Plan.
- F. Emergency maintenance work performed for the protection of public health, safety, and welfare may be exempted from the requirements in this Ordinance to obtain approval for a SWM Site Plan prior to the commencement of the activity. A written description of the scope and extent of such work shall be submitted to the Borough within two (2) calendar days of the commencement of the activity. If the Borough deems that the work does not

constitute an emergency, then the work shall cease immediately and not resume until a SWM Site Plan is submitted to and approved by the Borough. The purpose of this exemption is to allow emergency work to proceed immediately only. All work must otherwise comply with all applicable provisions of this Ordinance.

- G. Maintenance work performed on an existing stormwater management facility that was installed in accordance with plans and specifications approved by the Borough may be exempted from the requirements of this Ordinance. The facility owner shall notify the Borough a minimum of three (3) working days in advance, with such notice to include a description of the work to be performed. All work should be completed in accordance with the approved Operation and Maintenance Plan for the facility and shall only be performed to bring the facility back into conformance with the original approved Plan. Any work that would alter the configuration, capacities, or operation of the facility must be submitted to the Borough for approval.
- H. Activities related solely to property maintenance, such as resurfacing an existing parking lot, replacement of existing sidewalks, roof replacement, building exterior repairs, etc., shall be automatically exempt from the requirements of this Ordinance if no additional impervious area is added as a result of the activities.
- I. The use of land for home gardening for home consumption shall be automatically exempt from the requirements of this Ordinance.
- J. Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 301.D. through K.
- K. The following activities may be exempt from the requirements to submit a complete SWM Site Plan and/or control the peak runoff volumes and rates, but shall not be exempt from the water quality treatment requirements of this Ordinance. In all cases, appropriate stormwater quality BMPs must be implemented on the site. The Applicant shall submit a narrative describing the proposed use of BMPs on the site, including any calculations or justification for their selection, as well as the Operation and Maintenance Plan and Agreement for the facilities. Exemptions will not be granted if the activity is found to contribute pollution to the Waters of the Commonwealth, or if the runoff from the activity impacts an adjacent property:
  - 1. Minor Impact Activities
    - a. This shall apply to an activity not classified as a single-family detached home on a single lot.
    - b. An activity shall be classified as a "minor impact" if it involves less than 2,000 square feet (< 2,000 square feet) of impervious area, to include both newly created impervious area and any reconfiguration of existing impervious area, AND results in a total earth disturbance of less than 5,000 square feet (< 5,000 square feet).
    - c. This exemption can only be applied once for each parcel. Subsequent, or phased, regulated activities on the same or contiguous properties which

result in an overall total of 2,000 square feet or greater ( $\geq 2,000$  square feet) of impervious surface, or 5,000 square feet or greater ( $> 5,000$  square feet) of earth disturbance shall be subject to the full requirements of this Ordinance.

- d. The area of any existing impervious surfaces that may be permanently replaced with pervious surfaces on a project site may NOT be deducted from the area of impervious surface created/reconfigured to qualify for this exemption.

## 2. Vertical Extensions

- a. This shall apply to an activity not classified as a single-family detached home on a single lot.
  - b. Such activities must involve ONLY the vertical extension of a structure or portions thereof, with an addition of the same size and shape as the structure or portion thereof directly beneath the addition, and which require no earth disturbance activities other for the construction of said addition.
- L. The Borough may deny or revoke any exemption pursuant to this Section at any time for any project that the Borough believes may pose a threat to public health and safety or the environment.

### **Section 303. Volume Controls**

The 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 1 acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance 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.

- A. The *Design Storm Method* (CG-1 in the BMP Manual<sup>1</sup>) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
1. Do not increase the post development total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.
  2. For modeling purposes:
    - a. Existing (predevelopment) non-forested pervious areas must be considered meadow in good condition.
    - b. 20% of existing impervious area, when present, shall be considered meadow in good condition in the model for existing conditions.

- B. The *Simplified Method* (CG-2 in the BMP Manual<sup>1</sup>) provided below is independent of site conditions and should be used if the *Design Storm Method* is not followed. This method is not applicable to regulated activities greater than 1 acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:
1. Stormwater facilities shall capture at least the first 2 inches of runoff from all new impervious surfaces.
  2. At least the first 1 inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow--i.e, it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
  3. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff, however, in all cases at least the first 0.5 inch of the permanently removed runoff should be infiltrated.
  4. This method is exempt from the requirements of Section 304, Rate Controls.

#### **Section 304. Rate Controls**

- A. For areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan, the following shall apply:

Post development discharge rate shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and the 100-year, 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for the 1-, 2-, 5-, 10-, 25-, 50-, and the 100-year, 24-hour storms, then the requirement of this section have been met, unless there are noted areas downstream that will be harmed by the increased velocity of the higher flows, then the applicant shall provide additional controls. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirements..

### **ARTICLE IV - STORMWATER MANAGEMENT (SWM) SITE PLAN REQUIREMENTS**

#### **Section 401. Plan Requirements**

For all Regulated Activities not eligible for exemptions pursuant to this Ordinance, the Applicant shall submit a Stormwater Management (SWM) Site Plan and report prepared and sealed by a Professional Engineer or Landscape Architect licensed in the Commonwealth of Pennsylvania.

- A. Appropriate sections from the Borough of Dormont Subdivision and Land Development Ordinance, and other applicable ordinances, shall be followed in preparing the SWM Site Plans. These include, but are not limited to the requirements relating to mapping and Plan preparation and submittal.
- B. The Borough shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Article, when a SWM Site Plan is found to be deficient, the Borough may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the Borough may accept submission of modifications.

C. Provisions for permanent access or maintenance easements must be made for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Item E.9 below. All such easements and access points shall be clearly delineated in the SWM Site Plan.

D. The following signature block shall be included in the SWM Site Plan:

“The Borough of Dormont Municipal Engineer, on this date (date of signature), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of Municipal Ordinance No. (number assigned to the Ordinance).”

E. The SWM Site Plan shall provide the following information:

1. The overall stormwater management concept for the project.
  - a. A grading plan, indicating all areas of earth disturbance for the proposed activity.
  - b. A listing of all permits and other authorizations that will be required for the project, including the status of permit applications and approvals.
2. A determination of site conditions in accordance with the BMP Manual<sup>1</sup>. A detailed site evaluation shall be completed for projects proposed in environmentally sensitive areas.
  - a. Hydrologic (watershed) and water feature boundaries, including all areas flowing to the proposed project, existing streams, springs, lakes, ponds, or other bodies of water within the project area.
  - b. Existing and proposed topographical information with contours and elevations.
  - c. Locations of existing standing water, seepage, wetlands, and hydrologically sensitive areas.
  - d. Existing and proposed ground cover and land use. The total area of and percent impervious cover shall be noted.
3. Stormwater runoff design computations and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 301.
  - a. Complete delineation of the flow paths used for calculating the time of concentration for the pre-developed and post-developed conditions.
  - b. The design professional's selection of a specific runoff calculation method shall be based on the suitability of the method for the given project site conditions with due consideration to the limitations of the method chosen. The Municipal

Engineer reserves the right to stipulate the runoff calculation method for any project site.

4. A Plan of the proposed stormwater drainage system, stormwater management practices to be applied both during and after construction, and the expected project time schedule.
  - a. Where practicable, storm sewers shall be designed to traverse under seeded and planted areas. If constructed within ten (10) feet of roads, sidewalks, or other paved surfaces, storm sewers shall be installed within the narrowest trench possible and backfilled with select material to prevent surface settlement.
  - b. Storm sewers shall be designed with a concrete cradle when traversing fill areas of questionable stability.
  - c. Storm sewers shall be designed with pipe anchors when the pipe slope exceeds twenty (20) percent.
  - d. The minimum storm sewer size shall be fifteen (15) inches in diameter.
  - e. Pipe material, trenching, bedding, and backfilling requirements shall conform to the requirements of the Municipal Engineer and/or applicable sections of PennDOT Publication 48.
  - f. Storm sewers shall be either reinforced concrete or high density polyethylene (HDPE) pipe, subject to cover requirements and the approval of the Municipal Engineer.
  - g. Collection/conveyance facilities should not be installed parallel or close to the top or bottom of an embankment to avoid the possibility of failure of the facility or the embankment.
  - h. All collection/conveyance facilities shall be designed to convey the twenty-five (25) year frequency storm peak flow rate and carry it to the nearest suitable outlet. The conveyance capacities of any downstream facilities to which this flow is tributary must be verified.
5. A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the Allegheny County Conservation District.
6. The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
7. Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
  - a. For any sites with existing stormwater management facilities or BMPs, the nature and condition of such facilities must be discussed in the SWM Site Plan Narrative. If the existing facilities are proposed to remain intact and function as

all or part of the facilities required for the project, the following information must be included in the SWM Site Plan:

- 1) Inspections and/or certifications that the existing facilities are sized and capable of operating as required, including:
    - i. Surveys of all pertinent elevations associated with the facility, including but not limited to inverts or channel bottoms, outlet controls, embankments, and receiving streams or structures;
    - ii. Internal conditions of all underground pipes and structures, including the use of photographs or video for documentation;
    - iii. Design calculations from the facilities' original construction, if available;
    - iv. Operation and maintenance records, if available.
  - 2) Plans and descriptions of any alterations proposed for the facilities.
  - 3) Runoff and design calculations.
- b. If proposing infiltration BMPs, the Applicant shall consider the following:
- 1) Permeability and infiltration rate of the site soils.
  - 2) Slope and depth to bedrock.
  - 3) Seasonal high water table.
  - 4) Proximity to building foundations and well heads.
  - 5) Erodibility of soils.
  - 6) Land availability and topography.
  - 7) Slope stability.
  - 8) Effects on nearby properties and structures.
- c. A detailed soils evaluation of the project site must be performed to determine the suitability of infiltration BMPs. The evaluation shall be performed by a qualified professional.
- d. If proposing underground detention facilities, the design must incorporate appropriate access features and means to inspect, maintain, and ensure the proper operation of the facilities and their ability to control discharge rates to the levels mandated in the SWM Site Plan.

- e. The design of BMPs incorporating embankments must be completed and sealed by a Professional Engineer with relevant experience licensed in the Commonwealth of Pennsylvania.
  - f. Detention facilities and impoundments must provide a total storage volume allowance equal to 110% of the maximum required 100-year storm storage volume to allow for the accumulation of sediment. Appropriate means of access and the ability to maintain the BMP shall be incorporated into the design.
  - g. Detention facilities must include an emergency "spillway" or outlet configuration sized and located to permit the safe passage of stormwater flows from the unattenuated 100-year postdevelopment storm with one (1) foot of freeboard, and assuming that all other facility outlets are clogged or otherwise out of service.
  - h. All ground surface, open detention facilities, BMPs, or other facilities where water depths could exceed twenty-four (24) inches, must incorporate fencing in accordance with § 210-67C.(3) of the Borough Code.
  - h. Water quality inlets shall be utilized in parking areas and/or loading areas that discharge to stormwater management systems. At least one water quality inlet shall be installed on any project proposing storm inlets, with no less than one (1) installed for each acre of drainage area. The purpose of such inlets is to remove oil, grease, heavy particulates, total suspended solids, hydrocarbons, and other floating substances from stormwater runoff. Methods other than water quality inlets may be permitted if the Applicant demonstrates to the Borough's satisfaction that any such alternative will be as effective and as easily maintained. Periodic cleaning of these systems shall be addressed in the Operation and Maintenance Plan for the facility.
- 8. The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
  - 9. The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

#### **Section 402. Plan Submission**

- A. The Applicant shall submit twelve (12) copies of the SWM Site Plan as follows:
  - 1. To the Borough Zoning Officer:
    - a. Nine (9) copies to the Borough of Dormont.
    - b. One (1) copy to the Borough of Dormont municipal engineer.
    - c. One (1) copy to the Allegheny County Planning Commission
  - 2. One (1) copy to the Allegheny County Conservation District.

3. One (1) copy to the Allegheny County Economic Development Department.
- B. Additional copies shall be submitted as requested by the Borough or DEP.

#### **Section 403. Plan Review**

- A. SWM Site Plans shall be reviewed by the Borough for consistency with the provisions of this Ordinance.
- B. The Borough shall notify the applicant in writing within 45 days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification shall occur within the time period allowed by the Municipalities Planning Code (30 days). If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the Borough.
- C. If the Borough disapproves the SWM Site Plan, the Borough will state the reasons for the disapproval in writing. The Borough also may approve the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing.

#### **Section 404. Modification of Plans**

A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the Borough shall require a resubmission of the modified SWM Site Plan in accordance with this Article.

#### **Section 405. Resubmission of Disapproved SWM Site Plans**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Borough's concerns, to the Borough in accordance with this Article. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

#### **Section 406. Authorization to Construct and Term of Validity**

The Borough's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of 5 years following the date of approval. The Borough may specify a term of validity shorter than 5 years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the date the Borough signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 407 within the term of validity, then the Borough may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Borough shall be resubmitted in accordance with Section 405 of this Ordinance.

#### **Section 407. As-Built Plans, Completion Certificate, and Final Inspection**

- A. The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Borough. Two (2) paper copies and one electronic version shall be submitted.

- B. The as-built submission shall include a certification of completion signed by a Professional Engineer licensed in the Commonwealth of Pennsylvania verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications.
- C. After receipt of the completion certification by the Borough, the Borough may conduct a final inspection.

## **ARTICLE V - OPERATION AND MAINTENANCE**

### **Section 501. Responsibilities of Developers and Landowners**

- A. The Borough shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The Borough may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Borough will accept the facilities. The Borough reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- B. Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- C. The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- D. The Borough may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

### **Section 502. Operation and Maintenance Agreements**

- A. Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.
  - 1. The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
  - 2. The owner shall convey to the Borough conservation easements to assure access for periodic inspections by the Borough and maintenance, as necessary.
  - 3. The owner shall keep on file with the Borough the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Borough within ten (10) working days of the change.
- B. The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the Borough may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

**Section 503. Performance Guarantee**

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Borough for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.

## **ARTICLE VI - FEES AND EXPENSES**

### **Section 601. General**

- A. Fees may be established from time to time by the Borough in accordance with applicable laws to defray Plan review and construction inspection costs incurred by the Borough. All fees shall be paid by the Applicant at the time of submission of the SWM Site Plan.
- B. Any fees established pursuant to this Ordinance may include, but not necessarily be limited to, any of the following:
  - 1. Administrative Costs
  - 2. Review of the SWM Site Plan by the Borough and the Municipal Engineer.
  - 3. Site inspections.
  - 4. Inspection of stormwater management facilities and stormwater management improvements during construction.
  - 5. Final inspections.
  - 6. Any additional work required to enforce provisions of this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.
- C. Should the Borough's actual costs exceed the fees submitted by the Applicant, the Borough may invoice the Applicant for the difference. Such payment will be submitted by the Applicant to the Borough within 30 days of invoice receipt.

## **ARTICLE VII – PROHIBITIONS**

### **Section 701. Prohibited Discharges and Connections**

- A. Any drain or conveyance, whether on the surface or subsurface, that allows any non-stormwater discharge, including sewage, process wastewater, and wash water to enter the Borough's storm drainage system or the Waters of this Commonwealth is prohibited.
- B. No person shall allow, or cause to allow, discharges into the Borough's storm drainage system, or discharges into Waters of this Commonwealth, which are not composed entirely of stormwater, except (1) as provided in Subsection C below and (2) discharges allowed under a state or federal permit.
- C. The following discharges are authorized unless they are determined to be significant contributors of pollution to the Borough's storm drainage system or to the Waters of this Commonwealth:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or from footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- Dechlorinated swimming pool discharges
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	- Routine external building wash down (which does not use detergents or other compounds)
- Diverted stream flows	

D. In the event that the Borough or DEP determines that any of the discharges identified in Subsection C significantly contribute pollutants to the Borough's storm drainage system or to the Waters of this Commonwealth, the Borough or DEP will notify the responsible person(s) to cease the discharge.

**Section 702. Roof Drains and Sump Pumps**

Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs.

**Section 703. Alteration of SWM BMPs**

No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the Borough.

**ARTICLE VIII - ENFORCEMENT AND PENALTIES**

**Section 801. Right-of-Entry**

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

**Section 802. Inspection**

SWM BMPs shall be inspected by the landowner, or the owner's designee (including the Borough for dedicated and owned facilities), according to the following list of minimum frequencies:

1. Annually for the first 5 years.
2. Once every 3 years thereafter.

3. During or immediately after the cessation of a 10-year or greater storm.

### **Section 803. Enforcement**

- A. It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 302.
- B. It shall be unlawful to violate Section 703 of this Ordinance.
- C. Inspections regarding compliance with the SWM Site Plan are a responsibility of the landowner. Written documentation of all inspections, including any necessary corrective actions, will be submitted to the Borough within ten (10) days of the inspection.

### **Section 804. Suspension and Revocation**

- A. Any approval or permit issued by the Borough pursuant to this Ordinance may be suspended or revoked for:
  1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
  2. A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
  3. The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.
- B. A suspended approval may be reinstated by the Borough when:
  1. The Borough has inspected and approved the corrections to the violations that caused the suspension.
  2. The Borough is satisfied that the violation has been corrected.
- C. An approval that has been revoked by the Borough cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Borough may provide a limited time period for the owner to correct the violation. In these cases, the Borough will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Borough may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

### **Section 805. Penalties**

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not more than \$ 1,000.00 for each violation,

recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

- B. In addition, the Borough, through its Solicitor, may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. 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.

### **Section 806. Appeals**

- A. Any person aggrieved by any action of the Borough or its designee, relevant to the provisions of this Ordinance, may appeal to the Borough within 30 days of that action.
- B. Any person aggrieved by any decision of the Borough, relevant to the provisions of this Ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within 30 days of the Borough decision.

### **ARTICLE IX - REFERENCES**

1. Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. *Pennsylvania Stormwater Best Management Practices Manual*. Harrisburg, PA.
2. Pennsylvania Department of Environmental Protection. No. 363-2134-008 (April 15, 2000), as amended and updated. *Erosion and Sediment Pollution Control Program Manual*. Harrisburg, PA.
3. U.S. Department of Agriculture, National Resources Conservation Service (NRCS). *National Engineering Handbook*. Part 630: Hydrology, 1969-2001. Originally published as the *National Engineering Handbook*, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
4. U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. *Technical Release 55: Urban Hydrology for Small Watersheds*, 2nd Edition. Washington, D.C.
5. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. *Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0*, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

**RESOLVED AND ADOPTED** by the Council of the Borough of Dormont at a duly assembled meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

**BOROUGH OF DORMONT**

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Benjamin Estell, Manager

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Willard McCartney , President

## APPENDIX A

### **OPERATION AND MAINTENANCE (O&M) AGREEMENT STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by and between \_\_\_\_\_, (hereinafter the "Landowner"), and the Borough  
of Dormont, Allegheny County, Pennsylvania, (hereinafter "Municipality");

#### **WITNESSETH**

**WHEREAS**, the Landowner is the owner of certain real property as recorded by deed in the land records of \_\_\_\_\_ County, Pennsylvania, Deed Book \_\_\_\_\_ at page \_\_\_\_\_, (hereinafter "Property").

**WHEREAS**, the Landowner is proceeding to build and develop the Property; and

**WHEREAS**, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Municipality (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

**WHEREAS**, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

**WHEREAS**, the Municipality requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said SWM Site Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

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

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the SWM Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials,

and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality.

6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality.
8. The Municipality may inspect the BMPs at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Borough of Dormont:

\_\_\_\_\_

\_\_\_\_\_  
Name and Title

For the Landowner:

\_\_\_\_\_

\_\_\_\_\_  
Name and Title

ATTEST:

Borough of Dormont, County of Allegheny, Pennsylvania;

I, \_\_\_\_\_, a Notary Public in and for the county and state aforesaid, whose commission expires on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, do hereby certify that \_\_\_\_\_, whose name(s) is/are signed to the foregoing Agreement bearing date of the \_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in my said county and state.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

(SEAL)

