

## **The Impact of Conflicting Codes on Stormwater Management**

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Pennsylvania's Uniform Building Code, known as the Uniform Construction Code (UCC) is administered by the PA Department of Labor and Industry and was enacted into law in 1999. The basic premise of the Act is to provide for the protection of life, health, property and the environment and for the safety and welfare of the consumer, general public and the owners and occupants of buildings and structures. Findings by the General Assembly indicated that "in some regions of this Commonwealth a multiplicity of construction codes currently exist and some of these codes may contain cumulatively needless requirements which limit the use of certain materials, techniques or products and lack benefits to the public." The Department of Labor and Industry adopts the International Code Council's family of codes as approved by the Independent Regulatory Review Commission (IRRC) which performs a triennial review to revise the codes.

Of interest to those of us working on green stormwater solutions, the UCC can present an interesting dilemma. Section 1101.2 of the State plumbing code specifically reads "**Where required.** - All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm *sewer* system, or a combined *sewer* system, or to an *approved* place of disposal. For one- and two-family dwellings, and where *approved*, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building."

Problems occur with the interpretation of phrases like "where required" and "approved place" and "where approved." Also, whose approval is needed? In certain areas of Pennsylvania, this interpretation has caused problems. For example, in Allegheny County, 19 municipalities in the Pine Creek Watershed have adopted an ordinance for their Act 167 Stormwater Management Plan that includes Best Management Practices for directing downspouts to rain gardens, dry wells and porous paved areas. Ordinances were modified to read, "Existing roof drain, underdrain and sump pump discharge should be directed to lawn area or other pervious areas. If required by the Township, the discharge shall be directed to a stone sump or infiltration BMP. If approved by the Township the discharge may also be directly connected to the storm sewer system." Until Allegheny County, which adopted the UCC, modified their plumbing code to include provisions for meeting the intent of Act 167, the County plumbing code was in direct competition with the intent of the municipal stormwater management ordinance.

According to the PA Department of Labor and Industry, more than 90% of Pennsylvania's municipalities follow the UCC regulations. Language in the code needs to be clarified or modified to eliminate confusion and coincide with the intent of ACT 167. The impacts of stormwater have been identified as one of the top three causes of water quality impairment through the 303(d) Clean Water Act process (PA DEP Comprehensive Stormwater Management Policy; 392-0300-002). Ongoing education about the value of disconnecting downspouts needs to continue at all levels of municipal government so that residents can explore the opportunity of implementing green infrastructure without the worry of violating codes.