

Town of Saugus, Massachusetts

Department of Public Works

Stormwater Management Rules and Regulations

The Town of Saugus Director of the Department of Public Works (“Authorized Enforcement Agency”) hereby adopts these Stormwater Management Rules and Regulations pursuant to the Town of Saugus Bylaws, 705.00 Stormwater.

Adopted: December 4, 2018

Stormwater Management Rules and Regulations

GENERAL REFERENCES

Stormwater Bylaw

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ARTICLE I. GENERAL PROVISIONS AND DEFINITIONS

Section 1. Authority

These Stormwater Regulations are promulgated by the Saugus, Massachusetts Director of Public Works under the Stormwater Management Bylaw of the Town of Saugus hereinafter referred to as the Stormwater Bylaw.

Section 2. Applicability

- A. These Regulations apply to all activities in accordance with the applicability sections of the Stormwater Bylaw and further described herein.
- B. Every user of the municipal storm drainage system shall be subject to these regulations, as they apply, and to any charges, rates, fees, and assessments which are or may be established by the Town. Every user of the municipal storm drainage systems shall also be subject to applicable federal, state, and local regulations. In instances where various regulations contain different requirements, the most stringent requirements shall apply.
- C. Projects and/or activities not within the jurisdiction of any of the Town of Saugus boards, Commissions, or Departments, but still within the jurisdiction of the Stormwater Bylaw must comply with these Regulations and, if applicable, must obtain a Stormwater Management Permit in accordance with the permit procedures outlined herein.

Section 3. Purpose

- A. Increased and contaminated stormwater runoff associated with developed land and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater. In addition, land disturbances can cause harmful impacts due to soil erosion and sedimentation.
- B. The purpose of these Regulations is to protect the public health, safety, welfare, and the environment; to ensure proper and safe operation of the municipal storm drainage system; to regulate direct and indirect discharge of stormwater to the municipal storm drainage system; and to establish requirements, procedures, and design standards for activities which result in land disturbance including but not limited to land disturbance from development and redevelopment projects.
- C. These Regulations are intended to:
 - 1. Prohibit and remove illicit connections and unauthorized discharges to the municipal storm drainage system.
 - 2. Create uniformity of process and help clarify the provisions of the Stormwater Bylaw.
 - 3. Minimize delay in the permitting process by providing Applicants and their consultants with information which will help them comply with the Stormwater Bylaw.

Section 4. Severability

If any provision, paragraph, sentence, or clause of these Regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.

Section 5. Administration

- A. The Enforcement Agency, shall administer, implement, and enforce these rules and regulations. Any powers granted to or duties imposed upon the Enforcement Agency may be delegated in writing by the Enforcement Agency to its employees, agents, or other Town Departments.
- B. Waiver. Strict compliance with any requirement of the Stormwater Bylaw or the Regulations may be waived for the reasons given, and in accordance with the procedures set forth in the Stormwater Bylaw.

Section 6. Right to Amend Rules and Regulations

The Town reserves the right to amend these Regulations in any manner and to establish more stringent limitations or requirements as are deemed necessary and appropriate.

Section 7. Definitions

The definitions of terms in the Stormwater Bylaw, as well as the following definitions, shall apply to terms used in these Regulations.

ABUTTER — The owner(s) of land abutting the activity.

APPLICANT — Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the Federal government to the extent permitted Bylaw requesting a Stormwater Permit for proposed land disturbance.

APPLICANT'S TECHNICAL REPRESENTATIVE — A Qualified Professional hired by the Applicant to certify that design and construction are completed in accordance with the applicable local, state, and federal stormwater requirements.

AUTHORIZED ENFORCEMENT AGENCY — The Director of the Department of Public Works, its employees, officers, or agents are designated to enforce these regulations.

BEST MANAGEMENT PRACTICE (BMP) — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter, sanitary waste at a construction site that may adversely impact water quality, and clearing/grubbing wastes such as stumps and asphalt.

CLEARING — Any activity that removes the vegetative surface cover.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction.

EROSION — The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENT CONTROL PLAN — A document containing narrative, drawings, and details developed by a Qualified Professional which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbances. The plan is required as part of the application for a Stormwater Management Permit.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS — Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING — Changing the level or shape of the ground surface.

GRUBBING — The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

LAND DISTURBANCE — Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT - An approach to environmentally friendly land use development. It includes landscaping and design techniques that attempt to maintain the natural, pre-developed ability of a site to manage rainfall. LID techniques capture water on site, filter it through vegetation, and let it soak into the ground.

MASSACHUSETTS ENDANGERED SPECIES ACT – (MGL c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY — The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131A, § 40 and Massachusetts Clean Waters Act MGL c. 21, § 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MAXIMUM EXTENT PRACTICABLE - The limits of available technology and the practical and technical limits on a permittee in planning and designing stormwater management practices to reduce potential for pollutants to enter the municipal storm drainage system or waters of the Commonwealth.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAINAGE SYSTEM — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR DISCHARGES FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES — Permit required by the EPA for construction activities that disturb one acre or more of land, either by itself or as part of a larger development.

Permit requires a Notice of Intent (NOI) to be submitted to the EPA and the development of a Stormwater Pollution Prevention Plan (SWPPP).

NEW DEVELOPMENT - any construction activities or land alteration on an area that has not previously been developed to include impervious cover.

OPERATION AND MAINTENANCE PLAN — A plan setting up the functional, financial, and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL — The point at which stormwater flows out from a point source discernible, confined, and discrete conveyance into waters of the Commonwealth of Massachusetts.

OWNER — A person with a legal or equitable interest in property.

PERMITTEE — The person or party to whom a permit is granted and is held responsible for compliance with the Permit. For the Stormwater Management Permit, the permittee must be the owner of the property.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRE-CONSTRUCTION — All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES — Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

QUALIFIED PROFESSIONAL — Massachusetts Registered Professional Engineer (P.E.), Massachusetts Registered Landscape Architect, Certified Professional in Erosion and Sediment Control (CPESC), or professional with relevant experience deemed satisfactory to the Authorized Enforcement Agency.

REDEVELOPMENT — any construction, land alteration, or improvement of impervious surfaces that does not meet the definition of new development.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT — Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION — The process or act of deposition of sediment.

SITE — Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SLOPE — The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL — Any earth, sand, rock, gravel, or similar material.

STABILIZATION — The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER — Any water resulting from rainfall or other precipitation that runs off surfaces during or after a storm, including stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN — A plan required as part of the application for a Stormwater Management Permit.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — plan required for permit coverage under the NPDES General Permit for Discharges from Large and Small Construction Activities. The SWPPP is a detailed plan describing how erosion and sediment controls and other BMPs will be implemented on a construction site.

STRIP — Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TOWN — Town of Saugus, Massachusetts.

TSS — Total Suspended Solids.

VERNAL POOLS — Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE — A natural or man-made channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA — Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40 and in the Town's General Wetland Protection Rules and Regulations.

WETLANDS — Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

ARTICLE II. USE OF MUNICIPAL STORM DRAINAGE SYSTEMS

Section 1. Municipal Storm Drainage System

The use of all municipal storm drainage systems in the Town shall be controlled by the Authorized Enforcement Agency. No person shall, without prior authorization from the Authorized Enforcement Agency, uncover, excavate over, block access to, make any connection with or opening into, alter, or disturb the municipal storm drainage system.

Section 2. Prohibited Connections to Municipal Storm Drainage Systems

The construction, use, maintenance or continued existence of illicit connections to the municipal storm drainage system is prohibited.

Section 3. Wastewater System Connections

Any wastewater system which is or has been connected to the municipal storm drainage system, or which is or has been connected to the municipal storm drainage system as a result of a false application, misrepresentation, or non-disclosure on a construction permit, or which was connected to the municipal storm drainage system by way of obtaining a wastewater system connection and plumbing permits through any means which circumvented the limitations created by this Article, shall be immediately disconnected from the municipal storm drainage system by the Owner or by the Town at the Owner's expense.

Section 4. Flow Obstructions Prohibited

- A. No person shall place any dam or other flow restricting structure or device in any drainage facility or watercourse without first having obtained written authorization from the Authorized Enforcement Agency.
- B. No person shall place or deposit into any outfall, drainage facility, stormwater drain or watercourse within the Town any garbage, yard waste, soil, rock or similar material, or any other substance which obstructs flow in the municipal storm drainage system or damages the system or interferes with the proper operation of the system or which constitutes a nuisance or a hazard to the public. In the event that such an obstruction occurs, the Authorized Enforcement Agency may cause such obstruction to be removed or cause such damage to be repaired and to recover applicable costs pursuant to the provisions of these Regulations.

Section 5. Authorized Discharges to Stormwater Drains

- A. Discharges to stormwater drains which are authorized by these Regulations are as follows:
 - 1. Discharges composed entirely of stormwater.
 - 2. Discharges for which the owner has obtained both written authorization from the Authorized Enforcement Agency and an NPDES Permit, coverage under an NPDES General Permit, or an NPDES Permit Exclusion from the EPA.
 - 3. Discharges from the following sources:
 - a) water line flushing,

- b) landscape irrigation,
- c) diverted stream flows,
- d) rising ground waters,
- e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- f) uncontaminated pumped ground water,
- g) discharge from potable water sources,
- h) foundation drains,
- i) air conditioning and dehumidifier condensation,
- j) irrigation water, springs,
- k) water from crawl space pumps,
- l) footing drains,
- m) lawn watering,
- n) individual resident car wash waters,
- o) flows from riparian habitats and wetlands,
- p) dechlorinated swimming pool discharges
- q) street wash water by methods approved by the Town,
- r) residential building wash waters, without detergents, and
- s) discharges or flows from emergency fire fighting activities.

Section 6. Authorization to Discharge to Municipal Storm Drainage Systems

- A. With the exception of discharges authorized under Section 5 above, no person shall cause or allow any non-stormwater discharges to the municipal storm drainage system without having first obtained written authorization from the Authorized Enforcement Agency. Discharges to stormwater drains that require written authorization include, but are not limited to, dewatering drainage, subsurface drainage, non-contact cooling water, non-contact industrial process waters, uncontaminated cooling water, uncontaminated industrial process water, or water associated with the excavation of a foundation or trench, hydrological testing, groundwater treatment/remediation, removal or installation of an underground storage tank, foundation drains, crawl space pumps, footing drains or utility access chamber discharges. The decision to approve such discharges rests entirely with the Authorized Enforcement Agency. Such discharges shall comply with all other applicable requirements.
- B. Persons seeking to discharge stormwater pursuant to written authorization from Authorized Enforcement Agency shall also obtain an NPDES Permit, coverage under an NPDES General Permit or an NPDES Exclusion for the discharge, where applicable, a copy of which shall be provided to the Authorized Enforcement Agency.

- C. Written authorization issued to the user may stipulate special conditions and terms as deemed necessary or appropriate by the Authorized Enforcement Agency.
- D. Authorization shall be denied, revoked, suspended or reissued if the Authorized Enforcement Agency determines that the discharge, whether singly or in combination with others, is or may cause or contribute to a water quality problem, or may cause or contribute to a violation of the Town's NPDES Permit.
- E. In the case of construction site dewatering, the duration of the permit shall not exceed the time period necessary to keep a site dewatered during construction. A permittee may apply to the Authorized Enforcement Agency for an extension of authorization for construction site dewatering if so approved by the appropriate state or federal agency. Such application shall be submitted to the Authorized Enforcement Agency a minimum of fourteen 14 days prior to the expiration of the existing permit.

Section 7. NPDES Notice of Intent and Permit

- A. Every person who is required to be covered under an NPDES Permit for a Stormwater Discharge associated with Industrial Activity or for construction purposes shall submit to the Authorized Enforcement Agency a copy of the completed NPDES Multi-Sector General Permit Notice of Intent or individual application as submitted to EPA, and the information identified in items (a) through (h) below, as applicable:
 - 1. Address of the building (or premises) where the discharge will take place and the name and address of the building (or premises) owner;
 - 2. Name of a contact person, title and phone number;
 - 3. A site plan or sketch which shows the location of the connection of the building stormwater drain or the point(s) of discharge to the municipal storm drainage system, including the street name, size of the stormwater drain to which the stormwater will discharge and the outfall to which the discharge will be conveyed and discharged;
 - 4. Standard Industrial Code (SIC Code) of the facility;
 - 5. A description of the product or services provided by the facility;
 - 6. A description of the nature of the discharge;
 - 7. Existing NPDES permit, if any;
 - 8. Facility's water service account number.

Section 8. Dumping to Catch Basins

No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial and household cleaners, soap, detergent, cleaning or wash waters ammonia, food and food waste, fats, wax, oil and grease, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutant. Any person determined by the Town to be responsible for the direct or indirect discharge of any of the above substances to a catch basin may be responsible for all clean-up costs and for paying any penalties assessed by the Town or other federal state or local agencies.

Section 9. Notification of Spills

Notwithstanding other requirements of federal, state or local laws, rules or regulations, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal storm drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous waste to the municipal storm drainage system, the person shall immediately notify the Town's fire, police, and public works departments. In the event of a release of a non-hazardous pollutant to the municipal storm drainage system, the reporting person shall notify the Authorized Enforcement Agency within twenty-four (24) hours. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, written or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained in accordance with the Massachusetts Public Records Law.

Section 10. Design and Construction Standards

New building stormwater drain laterals, stormwater drains, special stormwater facilities, and appurtenances tributary to the Town's stormwater drainage system shall be designed and constructed in conformance with current DPW standards and specifications. In the absence of such specifications, the materials and procedures set forth in the American Society for Testing and Materials, the ASCE/WEF Manual of Practice - *Design and Construction of Urban Stormwater Management Systems* most recent edition shall apply, subject to the prior written approval of DPW.

ARTICLE III. LAND DISTURBANCE

Section 1. Permits and Procedures

- A. Filing Application. The site owner or his/her agent shall file with the Authorized Enforcement Agency, five (5) paper copies and one (1) electronic copy of a completed application package for a Stormwater Management Permit. Permit issuance is required prior to any site altering activity that results in the land disturbance of an area of one acre or more. While the Applicant can be a

representative, the permittee must be the owner of the site. The Stormwater Management Permit application package shall include:

1. A completed Application Form with original signatures of all owners;
 2. Five (5) paper copies and one (1) electronic copy of the Stormwater Management Plan and project description as specified in Section 2 of this Article;
 3. Five (5) paper copies and one (1) electronic copy of the Erosion and Sediment Control Plan as specified in Section 3 of this Article;
 4. Five (5) paper copies and one (1) electronic copy of the Operation and Maintenance Plan as specified in Section 4 of this Article;
 5. Five (5) paper copies and one (1) electronic copy of the NPDES General Permit for Discharges from Large and Small Construction Activities application, including the NPDES Construction General Permit Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP);
 6. All copies of the application form, the Stormwater Management Plan, the Erosion and Sediment Plan, and the Operation and Maintenance Plan must be filed with the DPW. The date of receipt by the DPW shall be the official filing date; and
 7. Payment of the application and review fee. The Authorized Enforcement Agency shall obtain with each submission an Application Fee of \$500.00. The Authorized Enforcement Agency may require higher fees if deemed necessary.
 8. The Authorized Enforcement Agency is authorized to require additional fees for the following:
 - a) Specific engineering and consultant services. Services may include, but are not limited to hydrologic and drainage analysis, stormwater quantity and quality analysis, design review, site inspections, as-built plan review, and legal issues. Fees are determined at the time of project review based on a specific scope of work.
 - b) Inspection services as detailed in Section 7.
- B. Entry. Filing an application for a Stormwater Management Permit grants the Authorized Enforcement Agency , or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.
- C. Other Boards. The Authorized Enforcement Agency shall notify the Town Clerk of receipt of the application and shall give one copy of the application package to the applicable Town boards.
- D. Information requests. The Applicant shall submit all additional information requested by the Authorized Enforcement Agency to issue a decision on the application.

- E. Actions. The Authorized Enforcement Agency's action, rendered in writing, shall consist of either:
1. Approval of the Stormwater Management Permit application based upon determination that the proposed Stormwater Management Plan meets the Standards in Sections 2, 3, and 4 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these rules and regulations.
 2. Approval of the Stormwater Management Permit application subject to any conditions, modifications, or restrictions required by the Authorized Enforcement Agency which will ensure that the project meets the Standards in Sections 2, 3, and 4 and adequately protect water resources, set forth in these rules and regulations.
 3. Disapproval of the Stormwater Management Permit application based upon a determination that the proposed Stormwater Management Plan, as submitted, does not meet the Standards in Sections 2, 3, and 4 or adequately protect water resources, as set forth in these rules and regulations.
- F. Issuance of the Stormwater Management Permit is subject to the following:
1. No Stormwater Management Permit shall be issued until the required Stormwater Management Plan, Erosion and Sediment Control Plan, and Operation and Maintenance Plan are approved.
 2. As a condition of permit issuance, the Applicant shall agree to allow any inspections to be conducted.
 3. Where a bond, letter of credit, or other surety is required, the Stormwater Management Permit shall not be issued until the surety has been obtained and approved.
- G. Failure of the Authorized Enforcement Agency to take final action. Failure of the Authorized Enforcement Agency to take final action upon an application within 90 days shall be deemed to be approval of said application. Upon certification by the DPW that the allowed time has passed without the Authorized Enforcement Agency action, the Stormwater Management Permit shall be issued by the Authorized Enforcement Agency.
- H. Plan Changes. The permittee must notify the Authorized Enforcement Agency in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Authorized Enforcement Agency determines that the change or alteration is significant, based on the Stormwater Management Standards in Sections 2, 3, and 4 and accepted construction practices, the Authorized Enforcement Agency may require that an amended application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs, the Authorized Enforcement Agency may require the

installation of interim erosion and sediment control measures before approving the change or alteration.

- I. **Project Completion.** At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment BMPs required for the site. The as-built drawings shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer (P.E.).
- J. **Intent and Consistency with Other Plans.** The intent of this permit is to ensure compliance with the State and Town's Stormwater Standards as well as compliance with the NPDES MS4 Permit issued to the Town by the EPA. Submittals to other Town departments, boards, and commissions, State or Federal Agencies, may be utilized and supplemented to fulfill all requirements of the Stormwater Management Permit.

Section 2. Stormwater Management Plan

- A. The application for a Stormwater Management Permit shall consist of submittal of a Stormwater Management Plan to the Authorized Enforcement Agency. This Stormwater Management Plan shall contain sufficient information for the Authorized Enforcement Agency and relevant Town departments to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards and the design standards as set forth in Section 5. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
 - 1. Contact Information. Name, address, and telephone numbers of the owner, Applicant, and person(s) or firm(s) preparing the Plan,
 - 2. A locus map,
 - 3. The existing zoning, and land use at the site,
 - 4. The proposed land use,
 - 5. The location(s) of existing and proposed easements,
 - 6. The location of existing and proposed utilities,
 - 7. The site's existing and proposed topography with contours at 2 foot intervals,
 - 8. The existing site hydrology,
 - 9. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows,
 - 10. A delineation of 100-year flood plain, if applicable,

11. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration,
 12. The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
 13. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
 14. A description and drawings of all components of the proposed drainage system including:
 - a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - b) All measures for the detention, retention, or infiltration of water,
 - c) All measures for the protection of water quality,
 - d) The structural details for all components of the proposed drainage systems and stormwater management facilities,
 - e) Notes on drawings specifying materials to be used, construction specifications, and typicals, and
 - f) Expected hydrology with supporting calculations.
 15. A description and drawings of all components of the proposed drainage system,
 16. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
 17. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
 18. A maintenance schedule for the period of construction, and
 19. Any other information requested by the Authorized Enforcement Agency.
- B. Standards. Projects shall meet the Standards of the Town and Massachusetts Stormwater Management Policy, which are as follows:
1. Drainage System calculations based on the following:
 - a) Peak flows and run-off at the boundaries of the project shall be no higher following development than before development, for the 10 and 100-year storm events using either the SCS TR-55 or TR-20 methods.
 - b) Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
 - c) The design of treatment and infiltration practices must follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended.

- d) Stormwater management systems on new development sites shall be designed to:
- i. Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
 - ii. Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2;
 - iii. Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3;
 - iv. Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
 - v. Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6;
 - vi. Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
 - vii. Require that all stormwater management systems be designed to: (1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site and/or 2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site and 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site.
- e) Stormwater management systems on Redevelopment sites shall meet the following Standards to the maximum extent feasible:

- i. Massachusetts Stormwater Standards 1, 2, and 3, the pretreatment and structural best management practices requirements Massachusetts Stormwater Standards 5 and 6.
 - ii. Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to: 1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site and/or 2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site and 50% of the average annual load of Total Phosphorus (TP) generated from the total postconstruction impervious surface area on the site.
 - iii. Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements.
 - iv. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part e (i-iii). Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of part e (i-iii).
- f) Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance any federally or State approved BMP design guidance or performance standards (e.g. MA State Stormwater Handbook and design guidance manuals) may be used to calculate BMP performance.
- g) Capacity of drainage systems shall be adequate to carry all stormwater run-off presently flowing through the proposed project area, as well as to dispose of any additional run-off generated by the proposed project up to and including the run-off from a 100-year storm using the following methods:
- i. The flow from storms of up to a 25-year frequency and 24-hour duration shall be conveyed through the municipal storm drainage system on the developed site. Storm drain piping and grate inlets shall be designed for a 25-year storm event;
 - ii. Detention facilities and culverts shall be provided to accommodate all runoff, up to and including the run-off generated by the 100-year, 24- hour storm. As a minimum, detention basin routing calculations shall be prepared for the 10, 25 and 100-year storm events.

- h) Drainage pipe systems shall be designed to provide self-cleaning flow velocities.
- i) The combination of storage and design release rate shall not result in a storage duration of greater than seventy-two (72) hours.
- j) Maximum total depth of detention/retention area shall be four feet (4') as measured from the lowest outlet point to the lowest point of the emergency overflow.
- k) Outlet control structures shall be designed to minimize required maintenance for proper operation.
- l) Each stormwater detention/retention area shall be provided with a method of emergency overflow in the event of a storm in excess of the 100-year frequency type.
- m) Drainage system may discharge to an existing, adjacent Town drainage system if the Applicant can show that the Town drainage system provides sufficient excess capacity to accommodate both the existing runoff and the proposed additional runoff from the project during a 25-year frequency and a 24-hour duration storm event.
- n) Hydraulic calculations, prepared by a Qualified Professional, shall note the specific engineering and/or computer program to be used. Hydraulic calculations shall be submitted to substantiate all design features of any proposed or existing drainage system utilized by the project. Computations for run-off shall be made in accordance with standard engineering practice and in compliance with D.E.P. standards. Hydraulic calculations shall include the following:
 - i. Runoff area boundaries shown on a plan
 - ii. Methodology used
 - iii. Soil and land use characterization and design storm parameters
 - iv. Soil conditions and ground water
 - v. Pipe size calculation
 - vi. Detention and retention pond and outlet control calculations as applicable
 - vii. Total suspended solid (TSS) removal rates and calculations

- viii. Infiltration calculations as applicable
- ix. Culvert analysis and calculation as applicable

- o) A continuous design element (i.e. railing or hedge) shall border any detention/retention basin area with interior side slopes greater than 3:1. Drainage basins shall be designed to facilitate access for maintenance vehicles and personnel.

- p) If it is necessary to carry drainage across lots within the development, storm drainage easements shall be provided, of such width and construction as will be adequate to accommodate the volume and velocity of the run-off. However, no such easement shall be less than twenty feet (20') in width.

- q) If a proposed drainage system will carry water across land outside the development boundaries to an approved outfall, appropriate drainage rights shall be secured by the Applicant at the Applicant's expense.

- r) Retention and detention ponds, and methods of overland flow may be used to retain, detain and treat any increased and accelerated runoff which the development may generate.

- s) There shall be a minimum of two feet (2') of naturally occurring soils between the detention basin bottom and the maximum annual ground water table;

- t) Intermittent surface water courses and such as swales, forebays, detention/retention basins shall be vegetated and appropriately reinforced along the low flow channel.

- u) The use of drainage facilities coordinated with landscaped buffers, open space and conservation areas is encouraged.

- v) Neighboring properties shall not be negatively impacted by flooding due to excessive runoff caused by the development.

- w) Reverse salt water intrusion shall be prevented.

3. When one or more of the Standards cannot be met, an Applicant may demonstrate that an equivalent level of environmental protection will be provided. Additional design standards are referenced in Section 5.

4. Landscaping

a) All open areas, exclusive of areas to remain in an existing natural state shall be landscaped utilizing both natural and man-made materials such as grasses, trees, shrubs, paving materials and outdoor furniture that are appropriate to the local climate and anticipated uses of the project.

b) Type and arrangement of street trees shall be acceptable to DPW and/or the Town Tree Warden.

c) All required landscaping shall be maintained in good condition at all times.

5. Non-structural Stormwater Management Strategies.

a) To the maximum extent practicable, nonstructural stormwater management strategies set forth in Section 2.B.13.b shall be incorporated into the design. The Applicant shall identify the nonstructural measures incorporated into the design of the project. If the Applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Section 2.B.13.b below into the design of a particular project, the Applicant shall identify the strategy considered and provide a basis for the contention.

b) Non-structural stormwater management strategies incorporated into site design shall:

- i. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss,
- ii. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces,
- iii. Maximize the protection of natural drainage features and vegetation,
- iv. Minimize the decrease in the "time of concentration" from pre-construction to post construction,
- v. Minimize land disturbance including clearing and grading,

- vi. Minimize soil compaction,
- vii. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides,
- viii. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas, and
- ix. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - [a] Site design features that help to prevent accumulation of trash and debris in drainage systems,
 - [b] Site design features that help to prevent discharge of trash and debris from drainage systems,
 - [c] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments, and
 - [d] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Massachusetts Stormwater Management Policy Handbook .

Section 3. Erosion and Sediment Control Plan

- A. The application for a Stormwater Management Permit shall consist of submittal of an Erosion and Sediment Control Plan to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sediment controls. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 3.B below.
- B. The design requirements of the Erosion and Sediment Control Plan are:
 - 1. Minimize total area of land disturbance,
 - 2. Sequence activities to minimize simultaneous areas of land disturbance,
 - 3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy,
 - 4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sediment control,
 - 5. Divert uncontaminated water around disturbed areas,
 - 6. Maximize groundwater recharge,

7. Install and maintain all Erosion and Sediment Control measures in accordance with manufacturer specifications and good engineering practices,
8. Prevent off-site transport of sediment; depositing or washing soil into a waterbody or the storm drainage system is prohibited,
9. Protect and manage on and off-site construction and waste material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project),
10. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control,
11. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities,
12. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site,
13. Properly manage on-site construction and waste materials,
14. Prevent off-site vehicle tracking of sediments. Graveled roads, access drives and parking areas of sufficient width and length are required to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday,
15. Install measures intended to keep soil on site or out of water bodies, storm drainage systems or the public right-of-way as the first step in any development. These measures shall be made functional prior to any upslope development taking place,
16. Remove any soil that enters the public right-of-way,
17. Protect stormwater inlets that are functioning during the course of the development by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered,

18. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule:

- a) Between October 1 and April 30, all denuded sites shall immediately be provided with either temporary or permanent soil stabilization.
- b) Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than seven days after land disturbing activity occurs.
- c) Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.
- d) Temporary measures shall be maintained until permanent measures are established.
- e) Permanent non-permitted land disturbing activities may achieve compliance with the standards set out in subsections (a) through (d) above, with the installation and maintenance of approved permanent BMPs.
- f) Secure or protect soil stockpiles throughout the project with temporary or permanent soil stabilization measures. The Applicant is accountable for the protection of all stockpiles on the site, and those transported from the site. Depositions of soil may be subject to additional regulations requiring permit, review or erosion and sediment control.
- g) Post signage on the site of the permitted land disturbance activity that identifies the Town's Contact [insert appropriate title] and telephone number.

C. Erosion and Sediment Control Plan Content. The Plan shall contain the following information:

- 1. Names, addresses, and telephone numbers of the owner, Applicant, and person(s) or firm(s) preparing the Plan,
- 2. Title, date, north arrow, names of abutters, scale, legend, and locus map,
- 3. Location and description of natural features including:

- a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a Qualified Professional for areas not assessed on these maps,
 - b) Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities, and
 - c) Habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred 500 feet (500') of any construction activity.
- 4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts,
 - 5. Existing soils, volume and nature of imported soil materials,
 - 6. Topographical features including existing and proposed contours at intervals no greater than two 2 feet (2') with spot elevations provided when needed,
 - 7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed,
 - 8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans),
 - 9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and construction and waste material stockpiling areas,
 - 10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable,
 - 11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit,
 - 12. Stormwater runoff calculations in accordance with the Massachusetts Stormwater Management Policy,
 - 13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures,
 - 14. A description of construction and waste materials expected to be stored on-site and intended disposal methods. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response,

15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed,
 16. Plans must be stamped and/or certified by a Qualified Professional, and
 17. Such other information as is required by the Authorized Enforcement Agency.
- D. Project Changes. The permittee, or their agent, shall notify the Authorized Enforcement Agency in writing of any change or alteration of a land disturbance authorized in a Stormwater Management Permit before any change or alteration occurs. If the Authorized Enforcement Agency determines that the change or alteration is significant, based on the design requirements listed in Section 3 and accepted construction practices, the Authorized Enforcement Agency may require that an amended Stormwater Management Permit application be filed and/or a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Authorized Enforcement Agency may require the installation of interim measures before approving the change.

Section 4. Operation and Maintenance Plan

- A. Operation and maintenance of private facility construction are the responsibility of the owner.
- B. If the Operation and Maintenance Plan identifies a person other than the owner (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the Plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable Bylaw or regulation.
- C. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- D. If the person responsible for maintenance identified under Section 4.B above is not a public agency, the operation and maintenance and any future revisions based on Section 4.G below shall be recorded upon the deed of record for each property on which the maintenance described in the Operation and Maintenance Plan must be undertaken.
- E. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

- F. The person responsible for maintenance identified under Section 4.B above shall maintain a detailed log as detailed in Section 4.L.
- G. The person responsible for maintenance identified under Section 4.B above shall evaluate the effectiveness of the Operation and Maintenance Plan at least once per year and adjust the Plan and the deed as needed.
- H. The person responsible for maintenance identified under Section 4.B above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the Operation and Maintenance Plan and the documentation required by Section 4.L.
- I. The requirements of Sections 4.C and 4.D do not apply to stormwater management facilities that are dedicated to and accepted by the Town.
- J. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the Authorized Enforcement Agency shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the Authorized Enforcement Agency or their designee. The Authorized Enforcement Agency, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the Town may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- K. Nothing in this Section 4 shall preclude the Authorized Enforcement Agency in which the major development is located from requiring the posting of a performance or maintenance guarantee.
- L. An Operation and Maintenance Plan is required at the time of application for all projects. The Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management Permit, these rules and regulations, and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Authorized Enforcement Agency shall make the final decision of what maintenance option is appropriate in a given situation. The Authorized Enforcement Agency will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the

Authorized Enforcement Agency and shall be an ongoing requirement. The Operation and Maintenance Plan shall include:

1. The name(s) of the owner(s) for all components of the system.
2. Maintenance agreements that specify:
 - a) The names and addresses of the person(s) responsible for operation and maintenance,
 - b) The person(s) responsible for financing maintenance and emergency repairs,
 - c) A Maintenance Schedule for all drainage structures, including swales and ponds,
 - d) A list of easements with the purpose and location of each, and
 - e) The signature(s) of the owner(s).
3. Map showing locations of all stormwater facilities including but not limited to catch basins, manholes, drainage piping, and stormwater devices.
4. Detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspection and copies of all maintenance-related work orders.
5. Record of annual updates.

M. Stormwater Management Easement(s).

1. Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - a) access for facility inspections and maintenance;
 - b) preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
 - c) direct maintenance access by heavy equipment to structures requiring regular cleanout.
2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Authorized Enforcement Agency.
4. Easements shall be recorded with the Essex County Registry of Deeds prior to issuance of a Certificate of Occupancy by the Authorized Enforcement Agency.

N. Changes to Operation and Maintenance Plan

1. The owner(s) of the stormwater management system must notify the Authorized Enforcement Agency of changes in ownership or assignment of financial responsibility.

2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these rules and regulations by mutual agreement of the Authorized Enforcement Agency and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.
- O. The Applicant is required to obtain an annual certification from a Qualified Professional that maintenance is being performed on structural BMPs.
- P. Waivers
1. The Town shall perform operation and maintenance of structural BMPs for public facilities only.

Section 5. Design References

In order to complete the Stormwater Management Plan, Erosion and Sediment Plan, and Operation and Maintenance Plan as part of the permit requirements and ensure that developers and landowners meet Massachusetts standards, the Applicant shall use the following (most recent edition) references to aid in structural and non-structural BMP implementation:

- A. Massachusetts Stormwater Management Policy Handbook.
- B. Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas.
- C. Massachusetts Department of Public Works "Highway Design Manual" Chapter 10, Drainage and Erosion Control.

Section 6. Surety

The Authorized Enforcement Agency may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town counsel and be in an amount deemed sufficient by the Authorized Enforcement Agency to ensure that the work will be completed in accordance with the permit. If the project is phased, the Authorized Enforcement Agency may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Authorized Enforcement Agency has received the final inspection report and the final inspection has been conducted as required by Section 7 and issued a Certificate of Occupancy.

Section 7. Inspection and Site Supervision

- A. Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbance, the Applicant, the Applicant's Technical Representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Authorized Enforcement Agency, to review the permitted plans and their implementation.
- B. The Applicant's Technical Representative shall inspect the project site and provide certification to the Town of project completeness at the following stages:
 - 1. Initial Site Inspection: prior to approval of any plan.
 - 2. The Applicant's Technical Representative or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management Permit as approved. The Stormwater Management Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Authorized Enforcement Agency, shall be maintained at the site during the progress of the work. The permittee shall notify the Authorized Enforcement Agency at least two (2) working days before each of the following events; the Applicant's Technical Representative shall be responsible to observe and assure the project progresses appropriately at the following events:
 - a) Erosion and sediment control measures are in place and stabilized;
 - b) Site Clearing has been substantially completed;
 - c) Rough Grading has been substantially completed;
 - d) Final Grading has been substantially completed;
 - e) Close of the Construction Season; and
 - f) Final Landscaping (permanent stabilization) and project final completion.
- C. Permittee Inspections. The permittee or his/her agent shall conduct and document inspections of all control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the required plans and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Authorized Enforcement Agency or designated agent in a format approved by the Authorized Enforcement Agency.
- D. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.

- E. Final Inspection. After the stormwater management system has been constructed, the Applicant must submit a stamped record plan signed by a Qualified Professional detailing the actual stormwater management system as installed. The record plan will include a statement box on the plan certifying the site review was conducted in accordance with these rules and regulations and all items were constructed according to the approved permit. The permittee or Applicant's Technical Representative shall request a final inspection site meeting with the Authorized Enforcement Agency. The Authorized Enforcement Agency shall visit the site with the Applicant's Technical Representative to confirm its "as-built" features. As-Built drawings of structural BMPs shall be submitted to the Department of Public Works. The final inspection shall be completed and the final report (Section 8) shall be submitted to the Authorized Enforcement Agency before the surety has been released and prior to requesting the issuance of Certificate of Occupancy.
- F. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these rules and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary to determine compliance with the Stormwater Management Permit.
- G. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.
- H. Inspection Fees. If necessary, the Authorized Enforcement Agency may require additional fees for site inspections conducted by Town departments. Fees are calculated at a rate of \$65 per hour for review, inspection, and monitoring services that require an excess of two (2) hours of review, inspection, and monitoring time by a Town department.

Section 8. Final Report

The Applicant's Technical Representative shall evaluate the effectiveness of the stormwater BMPs during an actual storm and document the findings. The final report will include certification from the Applicant's Technical Representative as to the effectiveness of the installed system during storm events.

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Qualified Professional certifying that all stormwater BMPs, and approved changes and modifications, have been completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies should be noted in the cover letter.

Section 9. Waivers

- A. The Authorized Enforcement Agency may waive strict compliance with any requirement of these rules and regulations promulgated hereunder, where:
 - 1. such action is allowed by federal, state and local statutes and/or regulations,
 - 2. is in the public interest, and
 - 3. is not inconsistent with the purpose and intent of these rules and regulations.
- B. Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these rules and regulations does not further the purposes or objectives of these rules and regulations.
- C. All waiver requests may be discussed with other Town departments and/or voted on at a public hearing for the project.
- D. If in the Authorized Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Authorized Enforcement Agency may continue a hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 10. Exemptions

- A. Pursuant to the Stormwater Bylaw, the provisions of this Regulation do not apply to:
 - 1. Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
 - 2. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
 - 3. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
 - 4. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - 5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;

6. Emergency work to protect life, limb, or property.

Section 11. Certificate of Occupancy

The Authorized Enforcement Agency will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the Stormwater Management Permit has been satisfactorily completed in conformance with these rules and regulations, which letter shall be submitted by the owner or applicant to the Town of Saugus Inspectional Services Department prior to the issuance of a Certificate of Occupancy, if applicable.

Section 12. Enforcement

The Authorized Enforcement Agency or an authorized designated agent of the Authorized Enforcement Agency shall enforce these rules and regulations, the Stormwater Bylaw, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. The provisions are detailed in the Town's Stormwater Bylaw.