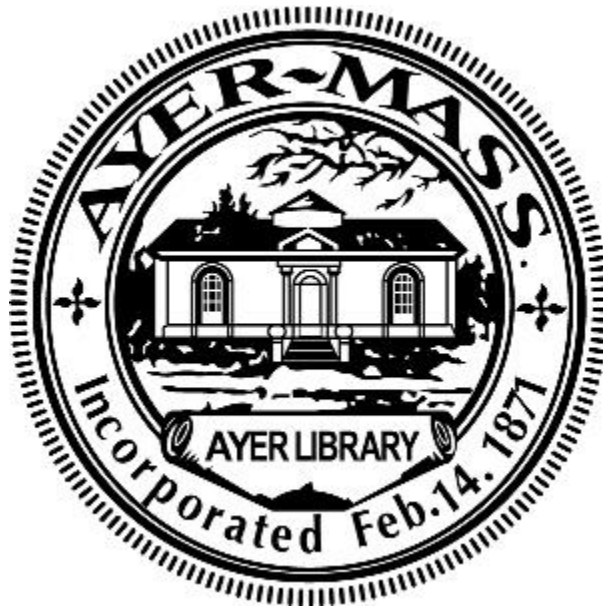


TOWN OF AYER

STORMWATER REGULATIONS

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TOWN OF AYER STORMWATER REGULATIONS

In support of Town Bylaw Articles XLVII and XLVIII, NPDES Phase II Stormwater Management and Illicit Discharges to the Municipal Storm Drain Systems Bylaws

1 General Provisions

1.1 Purpose

These Stormwater Regulations are pursuant to the Town of Ayer NPDES Phase II Stormwater (“NPDES Phase II Bylaw” or “Stormwater Bylaw”) and the Illicit Discharges to the Municipal Storm Drain Systems Bylaws (“Illicit Discharge Bylaw”) for the purpose of administering the Bylaws by providing guidance and requirements.

The purpose of the NPDES Phase II Stormwater Bylaw is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of Construction Site stormwater runoff and post-construction stormwater discharges. In addition, the NPDES Phase II Stormwater Bylaw is intended to ensure and promote compliance with US Environmental Protection Agency (EPA) stormwater management regulations pertaining to municipal separate storm sewer systems (MS4) and the National Pollutant Discharge Elimination System (NPDES), as amended.

The purpose of the Illicit Discharges to the Municipal Storm Drain Systems Bylaw is to manage connections and discharges to the municipal storm drain system and waters of the Commonwealth, that are necessary for the protection of Ayer’s water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

These regulations specifically state the stormwater management requirements, permitting, design, and operations/maintenance of stormwater systems, and requirements related to discharges to the municipal storm drain system.

These regulations do not replace the requirements of the EPA Construction General Permit (CGP) and a project may have applicability to both the Town’s NPDES Phase II Bylaw and the EPA CGP.

Where reference is made to other regulations and laws in this document, the latest edition and all supplemental amendments shall be applicable.

2 Regulations to Support the NPDES Phase II Stormwater Bylaw

2.1 Authority and Responsibility

- A. The regulations contained herein have been adopted by the Ayer Planning Board in accordance with Ayer NPDES Phase II Stormwater Bylaw (Town Bylaw XLVII).
- B. Nothing in these Regulations is intended to replace or be in derogation of the requirements of water resource related bylaws, the Planning Board Subdivision Regulations, Ayer Zoning Bylaws, or any Rules and Regulations adopted thereunder.
- C. These Regulations may be periodically amended in accordance with the procedures outlined in the Bylaw.
- D. For terminology used in these Regulations, see Section 3.0 of the NPDES Phase II Stormwater Bylaw.
- E. **Stormwater Authority:** Planning Board, or as delegated to its Agent(s).

Stormwater Agents: Department of Public Works, Building Department, Conservation Commission, Board of Health, or as delegated by the Stormwater Authority.

2.2 Administration

- A. The Stormwater Authority or its Agent(s) (the “Authority”) shall review, implement, and enforce the NPDES Phase II Regulations. The Stormwater Agent(s) (the “Authority”) shall act as field inspector.
 - (1) **Major Projects:** The Planning Board shall be the Stormwater Management Permit Granting Authority.
 - (2) **Minor Projects:** The Town Planner, in consultation with the Stormwater Agents, shall be designated as the Permit Granting Authority.
- B. The Authority may:
 - (1) Approve the application and issue a Stormwater Management Permit (“Permit”) with conditions, modifications, or restrictions; or,
 - (2) Disapprove the application and deny the Permit if it finds the proposed plan will not protect water resources, fails to meet the objectives and requirements of the Stormwater Bylaw and Regulations, or if the applicant has submitted insufficient information to describe the site, work, or effect of the project on the water quality and runoff.

2.3 Applicability

- A. Regulated activities, as defined in Section 5.0 of the NPDES Phase II Stormwater Bylaw, include but are not limited to:
 - (1) Land disturbance of greater than 20,000 square feet, associated with construction or

reconstruction of structures;

- (2) Development or redevelopment involving multiple, separate activities in noncontiguous locations or on different schedules if the activities are part of a larger common plan of development that together disturbs 20,000 square feet or more.
- (3) Paving or other change in surface material over an area of 20,000 square feet or more causing a significant reduction of permeability or increase in runoff,
- (4) Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 20,000 square feet,
- (5) Land disturbance where there is a 15% or greater slope and where the land disturbance is greater than or equal to 1,000 square feet within the sloped area.
- (6) Land disturbance greater than or equal to 1,000 square feet where the soil cut or filled exceeds four feet in vertical depth at its deepest point as measured from the natural ground level.
- (7) Disturbance of a volume of earth greater than 1,500 cubic yards.
- (8) Any other activity altering the surface of an area exceeding 20,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way, the municipal storm drain system or to a watercourse or wetland.
- (9) Land disturbance on a parcel of land having more than 5,000 square feet of existing impervious area and ultimately resulting in a net increase of 30% or more of impervious area.
- (10) Land disturbance of 2,000 square feet or greater within a Critical Area as defined in Section 3.0 of this document.
- (11) Land disturbance of 2,000 square feet or greater where stormwater discharge is directly or indirectly to an Impaired Waterbody or its tributaries as defined in Section 3.0 of this document.
- (12) Any activity subject to Site Plan Review or Subdivision Control Law.

Note: Where filing a Notice of Intent pursuant to the Wetlands Protection Act or Ayer's Wetland Protection Bylaw and one or more of the criteria in this Section are met, a Stormwater Management Permit will be required in addition to the Notice of Intent.

- B.** For the purpose of implementing the Bylaw, applications shall be divided into **Minor and Major project** categories as defined below:

A Minor project is any activity subject to the Stormwater Bylaw which involves one or more of the following:

- (1) Land disturbance undertaken on a single property or is part of a larger common plan of development or sale that results in:
 - (a) a total cumulative disturbance of land that meets or exceeds 20,000 square feet of area and is less than 40,000 square feet of area; or
 - (b) a total cumulative disturbance of land that meets or exceeds 1,500 cubic yards and is less than 2,200 cubic yards;
 - (c) a total cumulative disturbance of land that meets or exceeds 1,000 square feet and

is less than 10,000 square feet:

1. If the slope is 15% or greater; or
2. If the soil cut or filled exceeds four (4) feet in vertical depth at its deepest point as measured from the natural ground level. This requirement may be waived for septic system installation.

(d) a total cumulative disturbance of land that meets or exceeds 2,000 square feet of area and is less than 5,000 square feet of area within a Critical Area or where stormwater discharge is directly or indirectly to an Impaired Waterbody or its tributaries.

A **Major project** is any project subject to the Stormwater Bylaw which involves one or more of the following:

(1) Land disturbance undertaken on a single property or is part of a larger common plan of development or sale that results in:

(a) a total cumulative disturbance of land that meets or exceeds 40,000 square feet of area;

(b) a total cumulative disturbance of land that meets or exceeds 2,200 cubic yards;

(c) a total cumulative disturbance of land that meets or exceeds 10,000 square feet:

1. If the slope is 15% or greater; or
2. If the soil cut or filled exceeds four (4) feet in vertical depth at its deepest point as measured from the natural ground level. This requirement may be waived for septic system installation.

(d) a total cumulative disturbance of land that meets or exceeds 5,000 square feet of area within a Critical Area or where stormwater discharge is directly or indirectly to an Impaired Waterbody or its tributaries.

(e) a total cumulative disturbance of land resulting in a net increase of 30% or more of impervious area on a parcel of land having more than 5,000 square feet of existing impervious area.

2.4 Procedures

An application and all required documents shall be submitted to the Town Clerk and Town Planner, accompanied by the appropriate fees. The Town Planner shall review the scope of the project, and forward projects deemed to be **Minor**, to the Stormwater Agent(s), and those deemed to be **Major**, to the Stormwater Authority. Minor and major projects are defined in Section 2.3.

The stormwater management application can be submitted with a Site Plan Review Application, Subdivision Application, ANR application, or other application deemed appropriate by the Authority.

2.5 Applications

A. Application Package:

<u>SUBMISSION ITEM</u>	<u>REQUIRED FOR MAJOR PROJECT?</u>	<u>REQUIRED FOR MINOR PROJECT?</u>
Completed Application Form with original signatures of all owners	YES, 1 original copy to Town Planner, 1 original copy to town Clerk, 1 PDF to Town Planner	YES, 1 original copy to Town Planner, 1 original copy to Town Clerk, 1 PDF to Town Planner
Written authorization signed by the owner(s), if submitted by another individual.	YES, two copies	YES, two copies
Application fee payable to the “Town of Ayer” to cover expenses connected with the application review.	YES, to Town Clerk	YES, to Town Clerk
Stormwater Management Erosion and Sedimentation Control Plan (“Stormwater Plan”)	YES, 7 copies to Town Planner, 1 copy to Town Clerk, 1 PDF to Town Planner	YES, 4 copies to Town Planner, 1 copy to Town Clerk, 1 PDF to Town Planner
Operation and Maintenance Plan (“O & M Plan”)	YES, 7 copies to Town Planner, 1 copy to Town Clerk, 1 PDF to Town Planner	YES, 4 copies to Town Planner, 1 copy to Town Clerk, 1 PDF to Town Planner
Engineering Review Fee payable to “Town of Ayer”	Required, see Section 2.6	May be required, see Section 2.6
Certified Assessor’s Abutter’s List (within 300 feet of property)	YES, as part of Planning Board required submission	NO

B. Determination of Completeness:

The Town Planner shall determine if the application packet is complete within 10 business days of submission. No review shall take place until the application and number of document copies has been found to be complete.

C. Information Requests:

The Authority may request additional information to determine whether the plan will protect water resources and meet the objectives of the Stormwater Bylaw and these regulations.

D. Combined Application:

The Authority may allow this Application to be submitted in combination with another Application for the same project (e.g. Site Plan Review, Subdivision, etc.) rather than as a stand-alone application. The combined submittal of required Plans and other materials shall meet the requirements of both applications.

2.6 Fees

A. Application Fees:

- (1) A nonrefundable application fee shall be submitted with the application. The fee schedule is listed on the application and available at Town Hall. These fees are in addition to any other local or state fees assessed under any other laws, bylaws, or regulations.
- (2) Revision of fee schedules. The Authority may review and revise its fee schedule periodically. Amendments shall be preceded by a public hearing held by the Authority, and notification shall be filed with the Town Clerk.

B. Engineering and Consultant Reviews and Fees:

(1) Minor Projects:

A review fee may be required in accordance with the major projects section below if the Authority determines that engineering or consultant reviews are necessary.

(2) Major Projects:

(a) A fee will be required for engineering or consultant reviews. The DPW review fee would be submitted with the application. The stormwater consultant review fee would be deposited into a 53G interest-bearing account, pursuant to MGL c. 44, § 53G. Please refer to the fee schedule listed on the application.

(b) The Authority reserves the right to hire outside consultants at the property owner's expense if at any time after a permit is issued an inspection reveals violations.

- (3) When engineering review is required, the Authority shall communicate with the DPW to determine if the DPW is able to perform the review. When the DPW is unable to review, an outside consultant shall be hired.

C. Stormwater Maintenance Surety:

- (1) A stormwater maintenance fee or bond may be required to ensure O&M of the stormwater system. The fee or bond would be based on a cost estimate providing the value of 5-years of O&M of the stormwater system.

D. Fees for O&M Performed by the Town:

- (1) In the case where the Town of Ayer takes ownership of a project from the Owner, a maintenance fee will be required. An annual fee will be based on the estimated value of annual routine O&M of the stormwater system. Additional fees may apply should additional maintenance be required.

2.7 Public Meetings / Hearings / Decisions

A. Public Meeting: If an applicant or Agent requests a decision by the Stormwater Authority related to an assumed minor project, the Planning Board will address the issue at a public meeting and approve or disapprove the application, or may determine that a major project application filing is required.

B. Public Hearings: For **Major** projects, an advertised public hearing shall be scheduled by the Planning Board, and may be held concurrently with other hearings under review.

C. Decisions:

- (1) **Major Projects:** After the close of the public hearing, the Authority will issue its decision.
 - (2) **Minor Projects:** The Authority will issue its decision upon completion of review and consultation with the Agent(s).
 - (3) As a condition of approval, all stormwater management systems shall be completed within two years, unless an extension of time is authorized.
- D. **Appeals:** The decisions or orders of the Authority shall be final. Further relief shall be to a court of competent jurisdiction.
- E. **Recording for Major Projects:** Decisions shall be recorded at the Middlesex South Registry of Deeds in accordance with MGL c. 40A, § 11. Proof of recording shall be submitted to the Authority and Town Clerk prior to the commencement of any land-disturbing activity.

2.8 Design Standards

To the greatest extent practicable, the Town requires development and redevelopment project proponents to attenuate runoff and infiltrate rainfall on the property, to minimize and mitigate against runoff and contaminants leaving private properties, both during construction and after completion. **Please refer to Section 2.9 for applicability of the Design Standards to Minor and Major Projects.**

- A. **General Design Standards:** In order to complete the permit requirements and ensure that developers and landowners meet Massachusetts standards, the Owner shall use the following (most recent edition) references to aid in structural and non-structural best management practices design and implementation:
- (1) Town's National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "NPDES MS4 permit."
 - (2) Massachusetts Stormwater Policy and Massachusetts Stormwater Handbook, latest edition, hereinafter referred to as the Massachusetts Stormwater Policy for the purposes of these Regulations.
 - (3) Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas.
 - (4) Massachusetts Department of Transportation Project Development and Design Guide Drainage and Erosion Control Chapter.
 - (5) Ayer DPW Construction Standards.
- B. **Stormwater Management Design Calculations and Standards:**
- (1) Drainage systems shall have adequate capacity to handle all storm water runoff presently flowing through the property/site, as well as to dispose of any additional runoff generated by the proposed development up to and including the 100-year storm event. Rainfall data used for stormwater design shall utilize the 24-hour event identified in the latest edition of the Massachusetts Stormwater Policy.
 - (2) Calculations shall be prepared, sealed and stamped by the Owner's Technical

Representative for pre- and post-development conditions to show peak rates of runoff for the 2-, 10-, 25- and 100-year storm events using software program-based SCS TR-55 and/or TR-20 stormwater modeling methods (e.g., HydroCAD). Calculations and assumptions shall be clearly shown.

Calculations shall be supported by soil logs and USDA NRCS soil maps. Alternatively, test pits may be performed in the location of all proposed retention or detention facilities to determine depth to groundwater, depth to refusal, and soil classification. If the system proposes recharge to groundwater a percolation test shall also be performed. All soil testing shall be performed by a Commonwealth of MA licensed soil evaluator or professional engineer. Additional testing may be required by the Authority at his/her discretion.

The stormwater volume to be recharged to groundwater shall be determined using the methods in the Massachusetts Stormwater Policy and MS4 Permit.

- (3) Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.
- (4) The Town is a Municipal Vulnerability Preparedness (MVP) community in the Commonwealth's program and designs shall consider measures for community climate resilience, such as Nature Based Solutions (NBS).
- (5) To the extent that the project will discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs), implement structural and non-structural stormwater best management practices (BMPs) that are consistent with each such TMDL.
- (6) To the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL, implement structural and non-structural stormwater BMPs optimized to remove the pollutant or pollutants responsible for the impairment.
- (7) To the extent the project will discharge to critical area for surface water supply protection, as defined in the Bylaw, implement a system for groundwater recharge which does not degrade groundwater quality.
- (8) The design of treatment and infiltration practices must follow the guidance in Volume 2 of the Massachusetts Stormwater Policy, as amended.
- (9) 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. Massachusetts Stormwater Policy and design guidance manuals) may be used to calculate BMP performance.
- (10) 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, including a minimum of one foot of freeboard, using the following methods:
 - a) Storm drain piping and grate inlets shall be designed for a 25-year storm event;

drainage pipe systems shall be designed to accommodate the 25-year storm event, maintain velocities between 2.5 and 10 feet per second, provide self-cleaning flow velocities, and provide calculations using the Mannings Equation.

- b)** 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.
 - c)** Stream crossing culverts shall be designed in accordance with the latest addition of the Massachusetts Stream Crossing Handbook.
 - d)** As a minimum, detention basin routing calculations shall be prepared for the 10, 25 and 100-year storm events.
- (11)** The combination of storage and design release rate shall not result in a storage duration of greater than seventy-two (72) hours.
- (12)** Maximum total depth of detention/retention area shall be four (4) feet as measured from the lowest outlet point to the lowest point of the emergency overflow.
- (13)** Outlet control structures shall be designed to minimize required maintenance for proper operation.
- (14)** 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.
- (15)** Drainage swales shall be designed to accommodate the 25-year storm event and velocities below 4 feet per second.
- (16)** The proposed drainage system may discharge to an existing, adjacent municipal drainage system if the Owner can show that the municipal 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, meet any additional requirements of the DPW Superintendent or his/her designee, and obtain written authorization as described in Section 3.9.
- (17)** Hydraulic calculations, prepared by the Owner's Technical Representative, 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 MassDEP standards. Hydraulic calculations shall include the following:
- a)** Runoff area boundaries shown on a plan
 - b)** Methodology used
 - c)** Soil and land use characterization and design storm parameters
 - d)** Soil conditions and ground water
 - e)** Pipe size calculation
 - f)** Detention and retention pond and outlet control calculations as applicable

- g) Total suspended solid (TSS) removal rates and calculations
 - h) Infiltration calculations as applicable
 - i) Culvert analysis and calculation as applicable
- (18) 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.
- (19) 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.
- (20) 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 Owner and at the Owner's expense.
- (21) Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress.
- (22) 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.
- (23) 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;
- (24) Intermittent surface water courses such as swales, forebays, detention/retention basins shall be vegetated and appropriately reinforced along the low flow channel.
- (25) The use of drainage facilities coordinated with landscaped buffers, open space and conservation areas is encouraged.
- (26) Neighboring properties shall not be negatively impacted by flooding due to excessive runoff caused by the development.

C. New Development Stormwater Management Performance and Design Standards:

- (1) Stormwater management systems on New Development sites shall be designed to:
- a) Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Policy Standard 1;
 - b) Control peak runoff rates in accordance with Massachusetts Stormwater Policy Standard 2;
 - c) Recharge groundwater in accordance with Massachusetts Stormwater Policy Standard 3;
 - d) Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Policy in accordance with Massachusetts Stormwater Policy Standard 5;

- e) Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Policy Standard 6;
- f) Implement long term maintenance practices in accordance with Massachusetts Stormwater Policy Standard 9; and
- g) 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.

D. Redevelopment Stormwater Management Performance and Design Standards:

- (1) Stormwater management systems on Redevelopment sites shall meet the following Standards to the maximum extent feasible:
 - a) Massachusetts Stormwater Policy Standards 1, 2, and 3, the pretreatment and structural best management practices requirements Massachusetts Stormwater Policy Standards 5 and 6.
 - b) 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.
 - c) 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 3.4.C.2.(a)(i through 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 3.4.C.2.(a)(i through iii).
 - d) Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC12 as the redevelopment site to meet the equivalent retention or pollutant removal requirements.

E. Redevelopment Offsite Mitigation Performance and Design Standards:

- (1) For Redevelopment projects where the Owner proposes to utilize off-site mitigation to meet the average annual pollutant removal requirements, the Owner will describe in writing why it is not technically feasible to meet the average annual pollutant removal requirements on-site, including which on-site treatment BMPs were considered and why they were deemed not feasible.
- (2) Off-site mitigation shall be located within the municipality and the same tributary to

the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.

- (3) The off-site mitigation project shall be designed and constructed in a manner consistent with the requirements of the Town Bylaw and Regulations.
 - (4) The Authority shall, at its discretion, identify priority areas within the watershed and/or tributary area in which offsite mitigation may be completed.
 - (5) Offsite mitigation provided at a site not owned by the municipality, requires a separate Stormwater Management Permit covering the off-site mitigation project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the off-site mitigation is located.
 - (6) Construction of the off-site mitigation project shall commence within 12 months of Stormwater Management Permit issuance and be completed within 12 months of commencement.
- F. When one or more of the Standards cannot be met, an Owner may demonstrate that an equivalent level of environmental protection will be provided.

G. Landscaping:

- (1) 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.
- (2) Type and arrangement of street trees shall be acceptable to DPW and/or his/her authorized designee.
- (3) All required landscaping shall be maintained in good condition at all times.

H. Non-structural Stormwater Management Strategies:

- (1) To the maximum extent practicable, non-structural stormwater management strategies set forth in Section 2.8.H.(2) shall be incorporated into the design. The Owner shall identify the nonstructural measures incorporated into the design of the project. If the Owner contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Section 2.8.H.(2) below into the design of a particular project, the Owner shall identify the strategy considered and provide a basis for the contention.
- (2) Non-structural stormwater management strategies incorporated into site design shall:
 - a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss,
 - b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces,
 - c) Maximize the protection of natural drainage features and vegetation,
 - d) Minimize the decrease in the "time of concentration" from pre-construction to post construction,

- e) Minimize land disturbance including clearing and grading,
- f) Minimize soil compaction,
- g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides,
- h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas, and
- i) 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:
 - 1. Site design features that help to prevent accumulation of trash and debris in drainage systems,
 - 2. Site design features that help to prevent discharge of trash and debris from drainage systems,
 - 3. Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments, and
 - 4. When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Massachusetts Stormwater Policy.

2.9 Stormwater Management, Erosion and Sediment Control Plan (“The Stormwater Plan”)

A. All Projects: The stormwater plan shall describe the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls during construction, and proposed best management practices (BMPs) for the permanent management and treatment of stormwater. The stormwater plan shall contain sufficient information for the Authority to evaluate the environmental impact, effectiveness, and acceptability of measures proposed for reducing adverse impacts from stormwater runoff.

(1) **Contents:** The applicant shall submit the information listed in Subsections B and C, below.

B. Minor Projects: In most cases, Minor projects will have less impact to stormwater than Major projects. Additionally, Minor projects may be residential projects taken on by a homeowner. Therefore, the Design Standards of Section 2.8 shall be used as guidance for Minor project design and the applicant is not required to fully meet the Standards unless the Authority determines otherwise. The stormwater plan shall fully describe the project in drawings or plans and narrative containing the following information.

(1) Names, addresses, e-mails and telephone numbers of owner(s), applicant(s), and person(s) or firm(s) preparing the plan.

(2) Plan(s) or drawing(s) showing title, date, North arrow, property lines, locus map, names of abutters, scale used and legend, if necessary. This may be hand drawn.

(3) Location and description of the following natural features:

- (a) Watercourses and water bodies, wetland resource areas, and their one-hundred-foot buffers and two-hundred foot riverfront areas, riparian zones, hydrologic connections, and all floodplain information, including the one hundred-year flood elevation based upon the most recent Flood Insurance Rate Map (FIRM), or as calculated by a professional engineer (PE) for areas not assessed on these maps.
 - (b) Habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program, as Endangered, Threatened or of Special Concern; estimated Habitats of Rare Wildlife; Certified or Potential Vernal Pools, and Priority Habitats of Rare Species.
- (4) Existing and proposed land use at the site including pre-development and post-development impervious areas.
 - (5) Description of all components of the proposed stormwater management system. Designs must include BMPs to the maximum extent practicable.
 - (6) Location and details of erosion and sedimentation control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and nonstructural measures.
 - (7) Other permits required.
 - (8) Any other information requested by the Authority.
- C. **Major Projects:** The stormwater plan, reports, and calculations must be stamped and certified by a professional engineer (PE). The stormwater plan shall meet the Design Standards in Section 2.8. The stormwater plan shall fully describe the project in plans or drawings and a narrative containing the following information:
- (1) Names, addresses, e-mails and telephone numbers of owner(s), applicant(s), and person(s) or firm(s) preparing the plan.
 - (2) Title, date, North arrow, names of abutters, scale (1" =20' or 1" =40'), legend, and locus map (1" = 800').
 - (3) Location and description of natural features and proposed changes including:
 - (a) Watercourses and water bodies, wetland resource areas, and their one-hundred-foot buffers and two-hundred foot riverfront areas, riparian zones, hydrologic connections, and all floodplain information, including the one hundred-year flood elevation based upon the most recent FIRM, or as calculated by a PE for areas not assessed on these maps.
 - (b) Habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as Endangered, Threatened or of Special Concern; estimated Habitats of Rare Wildlife; Certified or Potential Vernal Pools, and Priority Habitats of Rare Species within wetland resource areas, and their one-hundred-foot buffers and two hundred-foot riverfront areas.
 - (c) Existing soils (type, hydrologic group, erodibility) and the volume and nature of imported soil materials. Test pits and infiltration rates tests may be required.

- (d) Topographical features, including existing and proposed contours at intervals no greater than two feet with spot elevations provided when needed.
 - (e) Existing site hydrology.
 - (f) An estimate made by a licensed soil evaluator (pursuant to 310 CMR 15.017) of seasonal high groundwater elevation in each area to be used for stormwater retention, detention, or infiltration.
 - (g) A drainage area map showing preconstruction and post-construction drainage patterns, stormwater flow paths, watersheds and sub watersheds, with calculations of proposed land disturbance within each sub watershed, and areas of soil to be disturbed in each watershed throughout the duration of the proposed land-disturbance activity.
 - (h) Runoff coefficient with existing and proposed vegetation, and ground surfaces.
- (4) Existing and proposed land use at the site including:
- (a) Lines of existing abutting streets showing drainage and driveway locations, and curb cuts within 100 feet of property lines.
 - (b) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, other encumbrances, size of entire parcel, and the delineation and number of square feet of land area to be disturbed.
 - (c) Location of existing and proposed utilities.
 - (d) Proposed improvements, including location of buildings, other structures, impervious surfaces, and stormwater structures.
 - (e) Pre- and post-development impervious areas.
- (5) Description and drawings of all components of the proposed stormwater management system including:
- (a) Locations, cross sections, profiles.
 - (b) All methods of stabilization.
 - (c) All measures for the detention, retention, or infiltration of water.
 - (d) All measures for the protection of water quality.
 - (e) Design details for all components of the proposed stormwater management system including inverts, pipe sizes, and structure dimensions.
 - (f) Notes on drawings specifying materials to be used, construction specifications, and details.
 - (g) Post-development hydrology with supporting calculations.
 - (h) Designs must include BMPs to the maximum extent practicable. A description of the use of each BMP shall be included.
- (6) Location and details of erosion and sedimentation control measures with a narrative of

the construction sequence/phasing of the project, including both operation and maintenance for structural and nonstructural measures including:

- (a) Description of provisions for phasing the project where 40,000 square feet of contiguous area or greater is to be altered or disturbed.
 - (b) Schedule and sequence of development, including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization.
 - (c) Location, description and implementation schedule for temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.
 - (d) Interim grading.
 - (e) Description of construction and waste materials expected to be stored on-site, including a description of controls to reduce pollutants from these materials, storage practices to minimize exposure of materials to stormwater, and spill prevention and response.
 - (f) Maintenance schedule for stormwater structures throughout the construction period.
- (7) Other permits required.
- (8) Any other information requested by the Authority.

2.10 Operation and Maintenance (O & M) Plan

Upon approval, applicant records Operation & Maintenance Plan along with the Decision at the Middlesex South Registry of Deeds and submits recording information to the Town Clerk and Town Planner.

All Projects:

A. Operation and Maintenance Plan Requirements:

- (1) Name(s) and signatures of all owner(s) for each component of the system.
- (2) Operations and maintenance plan agreement that provides contact information for person(s) responsible for operation, maintenance, long-term inspections, and emergency repairs shall be submitted to the Authority prior to the commencement of work.
- (3) A description of any routine inspection and/or maintenance requirements for each BMP used in the stormwater system.
- (4) A proposed inspection/maintenance and reporting schedule for each BMP.
- (5) A summary of any proprietary BMPs used, with the manufacturer's O & M requirements attached.

B. Stormwater Management Easement(s)

- (1) Unless waived by the Authority, stormwater management easements shall be granted to

the Town of Ayer and be sufficient in location and extent to allow the Town to access the property and all areas used for off-site stormwater control in order to facilitate inspections, and allow the Town the right to perform required maintenance.

- (2) The owner shall record any easements with the Middlesex South Registry of Deeds. Proof of recording shall be forwarded to the Authority and Town Clerk.

C. Changes to Operation and Maintenance Plans:

- (1) The owner(s) of the stormwater management system (the system) must notify the Authority of changes in ownership within 30 days of transfer.
- (2) The maintenance schedule may be amended to achieve the purposes of the Stormwater Bylaw and these regulations by mutual agreement of the Authority and the owner(s). Amendments must be signed by all owner(s).
- (3) Once an amended plan is signed, the owner(s) shall record it at the Middlesex South Registry of Deeds and submit proof of recording to the Authority and Town Clerk.

D. Annual Report Submittal:

- (1) Any activity approved by the permit shall remain subject to compliance with the Stormwater Bylaw and these regulations. Reports shall be submitted to the Authority each year within 30 days of the date of approval, and shall include descriptions of the BMPs, inspections, and maintenance performed. A copy of the reports shall also be submitted to the Department of Public Works.
- (2) The Authority shall review annual reports and may require the permittee to attend a public meeting for a compliance review. The owner(s) shall correct any deficiencies identified by the Authority.

2.11 Project Changes

The permittee shall notify the Authority in writing of any changes to a permitted land-disturbing activity at least 48 hours before modifications can occur. If the modification is determined to be significant based on Sections 2.9 and 2.10 of these regulations, a revised or new application may be required. Alterations may require interim erosion and sedimentation control measures before considering the modification.

2.12 Inspection and Site Supervision

All inspections shall be conducted by the Stormwater Agent(s).

A. Access Permission:

The Authority shall be authorized to enter upon privately owned property at reasonable times for the purpose of performing its duties under these regulations to the extent permitted by state and federal law.

B. Pre-construction Meeting:

For all projects, the applicant, his or her engineer, general contractor, and/or pertinent subcontractors shall meet at the site with the Stormwater Agent(s) prior to clearing, excavation, construction, or any land-disturbing activity requiring a permit.

C. Authority Inspections:

Inspections may take place at any time during the review process and throughout the duration of the project.

- (1) One copy of all required plans and the permit shall be kept at the site during construction. In addition, a copy of EPA's NPDES construction general permit and stormwater pollution prevention plan (if applicable) shall be kept on site.
- (2) Following inspections, the Authority shall either approve portions of work completed, or notify the permittee wherein the work fails to comply.
- (3) The permittee shall notify the Authority at least three business days prior to the completion of the following events:
 - (a) Erosion and sedimentation control measures are in place and stabilized.
 - (b) Rough grading has been substantially completed.
 - (c) Final grading has been substantially completed.
 - (d) Bury inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
 - (e) Close of the construction season or suspension of activities for more than 30 days (temporary stabilization required).
 - (f) Final landscaping (permanent stabilization) and final completion of the project.

D. Permittee Inspections:

- (1) **All Projects:** The permittee or representative shall conduct and document inspections of all control measures no less than weekly, or as specified in the permit, as well as prior to and following anticipated storms. The purpose of inspections shall be to determine the overall effectiveness of the stormwater plan, and the need for maintenance or additional control measures.

If a project is covered by the EPA NPDES General Permit for Stormwater Discharges from Construction Activities (Construction General Permit), the permittee is required to conduct inspections in accordance with requirements of the Construction General Permit, and must submit reports of all inspections required thereunder to the Authority.

- (2) **Major Projects:** The permittee or representative shall submit monthly inspection reports on the attached Stormwater Management Monthly Construction Inspection Checklist Form during the construction phase to the Authority. The Authority may require that an authorized environmental site monitor be retained by the owner to conduct inspections and submit reports to the Authority.

E. Final Inspections and Reports:

- (1) **Minor Project:** After the system has been constructed, the applicant shall submit a letter to the Authority certifying that the work site has been stabilized, and that all erosion and sedimentation control devices and any approved modifications have been completed in accordance with the conditions of the permit. Any discrepancies and mitigation measures shall be noted in a cover letter.
- (2) **Major Project:** After the system has been constructed, the applicant shall submit a report to the Authority, including as-built plans certified and stamped by a licensed Massachusetts Professional Engineer (P.E.), documenting that the system and approved modifications have been completed in accordance with the conditions of the permit. Any discrepancies and mitigation measures shall be noted in a cover letter. Five copies of the as-built plan shall be submitted to the Authority. As-built plans shall be submitted no later than six (6) months after completion of the approved modifications.
- (3) **Deficiencies:** The system shall be corrected by the permittee if it is found to be deficient based on physical evidence of operational failure.

F. Certificate of Completion:

- (1) **All projects:** The Agent(s) shall inspect the system to confirm its as-built features and evaluate the effectiveness of the system in an actual storm. If the inspection finds the system to be adequate, and if upon receipt and approval of the final reports, it is determined that all work has been satisfactorily completed, the Authority will issue a certificate of completion.
- (2) **Major Projects:** The certificate of completion shall be recorded at the Middlesex South Registry of Deeds by the owner(s), in accordance with MGL c. 40A, § 11 and proof of recording shall be forwarded to the Authority and Town Clerk.

2.13 Perpetual Inspections and Maintenance

A. All Projects: Maintenance Responsibility

- (1) Stormwater management facilities and practices included in an O & M Plan shall undergo ongoing inspections to document maintenance and repairs to ensure compliance with the Bylaw and these regulations.
- (2) The owner of the system shall maintain in good condition all grade surfaces, walls, drains, dams and structures, vegetation, and any other protective devices.
- (3) The owner of the system shall maintain records of the system installation and all maintenance and repairs for at least five years, to be made available to the Agent(s) during inspection of the facility and at other times upon request.
- (4) The Authority or Agent(s) shall notify the owner of the system if the requirements of the O & M Plan are not met. All deficiencies shall be corrected within 30 days. If a deficiency constitutes an imminent danger to public health, safety, or the environment, the owner shall take immediate corrective action, and then notify the Agent(s) for an inspection to ensure compliance.

- (5) In the case where the Town of Ayer takes ownership of a project from the Owner, a maintenance fee will be required in accordance with Section 2.6.

B. Major Projects: Maintenance Inspections

- (1) At a minimum, inspections by the property owner shall occur twice during the first year of operation and at least annually thereafter.
- (2) Inspection reports shall be submitted to the Authority on the Stormwater Management Annual Inspection Checklist by Property Owner(s) Form (attached to this Regulation) for all systems, and shall include:
 - (a) Date of inspection
 - (b) Name of inspector.
 - (c) Condition of:
 1. Pretreatment devices.
 2. Vegetation or filter media.
 3. Fences or other safety devices.
 4. Spillways, valves, or other control structures.
 5. Embankments, slopes, and safety benches.
 6. Reservoir or treatment areas.
 7. Inlet and outlet channels and structures.
 8. Underground drainage.
 9. Sediment and debris accumulation in storage and forebay areas (including catch basins)
 10. Any nonstructural practices.
 11. Any other item that could affect the proper function of the system.
 - (d) Description of any maintenance issues and mitigation measures taken.

2.14 Enforcement

- A.** In accordance with the Bylaw, the Authority shall enforce the Bylaw, Regulations, permits, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.
- B.** In addition to itself, the Stormwater Authority authorizes the Stormwater Agent(s) to perform enforcement in accordance with the Bylaw and these Regulations.
- C.** Violations and Fines, Non-Criminal Disposition, and Appeals shall be as described in the Bylaw.
- D.** Notices of Violation and Enforcement Orders:
 1. The Authority may issue a written notice of violation or enforcement order to enforce the provisions of this Bylaw or the Regulations thereunder, which may include requirements to:
 - (a) Cease and desist from construction or land disturbing activity until there is compliance with the Bylaw and the Stormwater Management Permit.

- (b) Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the O&M Plan.
 - (c) Perform monitoring, analyses, and reporting.
 - (d) Cessation of unlawful discharges, practices, or operations;
 - (e) Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
2. If the enforcing person determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said Compliance Order shall further advise that, should the violator or property owner fail to abate, restore, and/or perform remediation within the specified deadline, the Town of Ayer may, at its option, pursue a Court Order allowing the Town to undertake such work, and the violator shall reimburse the municipality's expenses.

(a) Charging Cost of Abatement/Liens

1. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the Authority shall notify the violator and the property owner in writing of the costs incurred by the municipality, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the Select Board within 15 days of receipt of the notification of the costs incurred. A hearing on the protest by the Select Board shall take place within 30 days from the date of municipality's receipt of the written protest. The decision of the Select Board shall be final. Further relief shall be to a court of competent jurisdiction.
2. If the amount due is not paid within 10 days of the decision of the Select Board or the expiration of the time in which to file an appeal under this Section, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided by M.G.L. c. 59, §57 after the thirty-first day at which the costs first become due.

(b) Emergency Abatement

1. The Authority shall require the immediate abatement of any violation of these Regulations that constitutes an immediate threat to the health, safety or welfare of the public. If any such violation is not abated immediately as directed by the Authority, to the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town may enter the property and take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the municipality shall be at the expense of the property owner and/or violator. Any relief obtained under this Section shall not

prevent the municipality from seeking other and further relief authorized under these Regulations.

2.15 Severability

- A.** 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.

2.16 Waivers

- A.** The Authority 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 consistent with the purpose and intent of these rules and regulations.
- B.** Any Owner 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 municipal departments and/or voted on at a public hearing for the project.
- D.** If in the Authority's opinion, additional time or information is required for review of a waiver request, the Authority may issue a written continuance for their review. In the event the Owner objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

3 Regulations to Support the Illicit Discharges to the Municipal Storm Drain Systems Bylaw

3.1 Authority and Responsibility

- A.** The regulations contained herein have been adopted by the Ayer Planning Board in accordance with the Ayer Illicit Discharges to the Municipal Storm Drain Systems Bylaw (Town Bylaw XLVIII).
- B.** Nothing in these Regulations is intended to replace or be in derogation of the requirements of water resource related bylaws, the Planning Board Subdivision Regulations, Ayer Zoning Bylaws, or any Rules and Regulations adopted thereunder.
- C.** These Regulations may be periodically amended in accordance with the procedures outlined in the Bylaw.
- D.** For terminology used in these Regulations, see section 2.0 of the Illicit Discharges to the Municipal Storm Drain Systems Bylaw.
- E.** **Authority:** DPW Superintendent (Director of Public Works), or as delegated by the DPW Superintendent (Director of Public Works), the “DPW Authority”.

3.2 Administration

- A.** The DPW Authority, shall administer, implement, and enforce the Illicit Discharges to the Municipal Storm Drain System Regulations.

3.3 Applicability

- A.** 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.

3.4 Municipal Storm Drainage System

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

3.5 Prohibited Connections to Municipal Storm Drainage Systems

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

3.6 Wastewater System Connections

- A.** 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 these or any previous Regulations or Bylaws on the matter shall be immediately disconnected from the municipal storm drainage system by the Owner or by the municipality at the Owner's expense.

3.7 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 DPW Authority.
- B.** No person shall place or deposit into any outfall, drainage facility, stormwater drain or watercourse within the municipality 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 DPW Authority 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.

3.8 Authorized Discharges to Stormwater System

- A.** In accordance with the Bylaw, the following non-stormwater discharges and flows to the municipal storm drain system and to waters of the Commonwealth are exempt from the prohibition on illicit discharges:

- (1)** Discharges or flows resulting from firefighting activities.

The following non-stormwater discharges or flows are exempt from the prohibition on illicit discharges provided that the source is not deemed by the DPW Authority to be a significant contributor of a pollutant to the municipal storm drain system or waters of the Commonwealth:

- (1)** Waterline flushing;
- (2)** Flows from potable water sources;
- (3)** Springs;
- (4)** Natural flows from riparian habitats and wetlands;
- (5)** Rising groundwater;

- (6) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- (7) Discharge from landscape irrigation or lawn watering;
- (8) Water from individual residential car washing;
- (9) Discharge from dechlorinated swimming pool water [defined as containing less than one part per million (ppm) chlorine] provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance.
- (10) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
- (11) Discharges from street sweeper operations of inconsequential amounts of water;
- (12) Dye testing, provided verbal notification is given to the DPW Superintendent and approval is obtained prior to the time of the test;
- (13) Non-stormwater discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations;
- (14) Discharges for which advanced written approval is received from the DPW Superintendent if necessary to protect public health, safety, welfare or the environment;
- (15) Diverted stream flow; and
- (16) Residential building wash waters without detergents.

3.9 Authorization to Discharge to Municipal Storm Drainage Systems

- A.** No person shall cause or allow any non-stormwater discharges to the municipal storm drainage system without having first obtained written authorization from the DPW Authority. 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 DPW Authority. Such discharges shall comply with all other applicable requirements.
- B.** Persons seeking to discharge pursuant to written authorization from the DPW Authority shall also obtain, when applicable, a NPDES Permit, coverage under a NPDES Permit or a NPDES Exclusion for the discharge. A copy of which shall be provided to the DPW.

- C. Written authorization issued to the user may stipulate special conditions and terms as deemed necessary or appropriate by the DPW Authority.
- D. Authorization shall be denied, revoked, suspended or modified if the DPW Authority 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.

3.10 NPDES Notice of Intent and Permit

- A. The owner of any property or project located within the Town and subject to the requirements of a NPDES Permit for a Stormwater Discharge associated with Industrial Activity or for construction purposes shall submit to the DPW 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 1. through 8. 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. Town Utilities servicing Facility.
- B. Any person subject to a NPDES permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the DPW pursuant to or as a condition of his recommendation concerning a proposed special permit, variance, subdivision approval, site plan approval, or building permit; during any enforcement proceeding or action; or for any other reasonable cause.

3.11 Waste Disposal Prohibitions

- A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the municipal storm drain system, or water of the Commonwealth, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in

streets in proper waste receptacles for the purposes of collection are exempt from this prohibition.

3.12 Dumping to Catch Basins

- A.** 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.
- B.** Any person determined by the municipality 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 municipality or other federal state or local agencies.

3.13 Disposal of Septage Prohibited

- A.** No person shall discharge or cause or allow to be discharged any septage into a stormwater drain.

3.14 Notification of Spills

- A.** Notification of spills shall be made in accordance with Section 8 of the Bylaw.

3.15 Enforcement

- A.** In accordance with the Bylaw, the Authority shall enforce these Regulations, the Bylaw, orders, compliance orders, and may pursue all civil and criminal remedies for such violations.
- B.** Civil Relief, Criminal and Civil Penalties, Non-Criminal Disposition, and Appeals shall be as described in the Bylaw.
- C.** Compliance Orders: The Authority may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
 - (1)** Elimination of illicit connections or discharges to the storm drainage system;
 - (2)** Termination of access to the storm drainage system;
 - (3)** Performance of monitoring, analyses, and reporting;
 - (4)** Cessation of unlawful discharges, practices, or operations;
 - (5)** Remediation of contamination in connection therewith. If the DPW Superintendent determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation.

D. If the Authority determines that abatement of a violation and/or restoration of affected property is required, the Compliance Order shall set forth a deadline by which such abatement, remediation, and/or restoration must be completed. Said Compliance Order shall further advise that, should the violator or property owner fail to abate, restore, and/or perform remediation within the specified deadline, the Town of Ayer may, at its option, pursue a Court Order allowing the Town to undertake such work, and the violator shall reimburse the municipality's expenses.

E. Charging Cost of Abatement/Liens

(1) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the Authority shall notify the violator and the property owner in writing of the costs incurred by the municipality, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the Select Board within 15 days of receipt of the notification of the costs incurred. A hearing on the protest by the Select Board shall take place within 30 days from the date of municipality's receipt of the written protest. The decision of the Select Board shall be final. Further relief shall be to a court of competent jurisdiction.

(2) If the amount due is not paid within 10 days of the decision of the Select Board or the expiration of the time in which to file an appeal under this Section, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided by M.G.L. c. 59, §57 after the thirty-first day at which the costs first become due.

F. Emergency Abatement

(1) The Authority shall require the immediate abatement of any violation of these Regulations that constitutes an immediate threat to the health, safety or welfare of the public. If any such violation is not abated immediately as directed by the Authority, to the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town may enter the property and take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the municipality shall be at the expense of the property owner and/or violator. Any relief obtained under this Section shall not prevent the municipality from seeking other and further relief authorized under these Regulations.

3.16 Severability

A. 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.

3.17 Transitional Provisions

- A. Owners shall have 60 days from the effective date of these Regulations to comply with the provisions in Section 3, provided good cause is shown for the failure to comply during that period.

3.18 Waivers

- A. The DPW Authority 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 consistent with the purpose and intent of these rules and regulations.
- B. Any Owner 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 municipal departments and/or voted on at a public hearing for the project.
- D. If in the DPW Authority's opinion, additional time or information is required for review of a waiver request, the Authority may issue a written continuance for their review. In the event the Owner objects to a continuance, or fails to provide requested information, the waiver request shall be denied.