TOWN OF YARMOUTH

CONSERVATION COMMISSION

STORMWATER MANAGEMENT REGULATIONS

SECTION 1. GENERAL PROVISIONS

1.01. General Purpose

(1) Introduction

These regulations are promulgated by the Town of Yarmouth Conservation Commission (Commission) pursuant to the authority granted to it under Chapter 145 of the Code of the Town of Yarmouth. These regulations shall complement the Code, and shall have the force of law upon their effective date.

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation is necessary and mandated by the U.S. Environmental Protection Agency, pursuant to the Clean Waters Act, for the protection of Yarmouth's water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment.

(2) Purpose

The purpose of these Stormwater Regulations 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 stormwater runoff and illicit discharges on waters of the Commonwealth located within or bordering the Town of Yarmouth.

These regulations set forth a public review and decision making process to address and control the impacts associated with increased runoff, decreased ground water recharge, erosion and sedimentation, and nonpoint source pollution associated with new development and redevelopment. The regulations also establish requirements to prevent or eliminate illicit connections and discharges to the municipal storm drain system.

(3) Authority

These Regulations are adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

1.02. Definitions

ABUTTER: The owner(s) of land directly adjacent to the property for which work is proposed. This shall include property across any private or public way, or body of water if it is within 100 feet from the property line of the project locus.

AGRICULTURAL ACTIVITIES: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge**;** change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

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 by law, requesting a Stormwater Management Permit.

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

BMP: (See BEST MANAGEMENT PRACTICE).

BURDEN OF PROOF: The responsibility of the applicant to provide credible evidence from a competent source, supporting data, and information.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CERTIFIED VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species, certified by NHESP.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as amended.

CLEARING: Any activity that removes the vegetative surface cover.

COMMISSION: The Town of Yarmouth Conservation Commission, its employees or authorized agents designated to enforce these regulations.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

DEP STORMWATER MANAGEMENT STANDARDS: The set of stormwater regulations promulgated by the Massachusetts Department of Environmental Protection under the following:

- The Wetland Protection Regulations (310 CMR 10.00) adopted pursuant to the Massachusetts Wetlands Protection Act G.L. c. 131 § 40; and
- The 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States within the Commonwealth, adopted pursuant to Massachusetts Clean Waters Act G.L. c. 21, §. 26-53.

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

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

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

DPW: Yarmouth Department of Public Works.

ENFORCEMENT ORDER: A written order issued by the Commission and/or Department of Municipal Inspections in order to enforce the provisions of these regulations.

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 SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

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

GROUNDWATER: Water beneath the surface of the ground.

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

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this these regulations.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 3. The term does not include a discharge in compliance with a NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section 3 of these regulations.

IMPERVIOUS SURFACE: Any material or structure that either prevents or retards the entry of water into the underlying soil or causes water to runoff in greater quantities or at an increased rate of flow. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, and gravel or dense-graded crushed stone areas.

INFEASIBLE: Not technologically possible and achievable in light of best industry practices.

LAND-DISTURBING ACTIVITY: Any activity that alters the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, movement and stockpiling of top soils, or other action that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT (LID): The design of a site development or redevelopment employing systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or beneficial use of stormwater, to protect water quality and associated aquatic habitat. LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Practices include but are not limited to minimizing impervious surfaces, capturing rainfall or runoff for subsequent use on-site, promoting infiltration and evapotranspiration, and the use of vegetation-based stormwater treatment practices.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. 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.

MS4: (See MUNICIPAL SEPARATE STORM SEWER SYSTEM.)

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

NHESP: National Heritage and Endangered Species Program.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

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 insure that it continues to function as designed.

ORWs: OUTSTANDING RESOURCE WATERS

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

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

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

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth 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.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into a municipal storm drain system or waters of the Commonwealth. Pollutants shall include but not be limited to:

- paints, varnishes, and solvents;
- oil and other automotive fluids;
- non-hazardous liquid and solid wastes and yard wastes;
- refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- pesticides, herbicides, and fertilizers;
- hazardous materials and wastes; sewage, fecal coliform and pathogens;
- dissolved and particulate metals;
- animal wastes;
- rock, sand, salt, soils, unless being applied for roadway safety;
- construction wastes and residues; and
- noxious or offensive matter of any kind.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITATS: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) 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 where land-disturbing activities are, were, or will be performed.

SITE PLAN REVIEW (SPR): A project review process conducted by the Site Plan Review Team in accordance with Section 103.3 of the Yarmouth Zoning Bylaw.

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

SOIL: Any earth, sand, rock, gravel, loam, or similar material.

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

STORMWATER: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the Commission to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be signed by a majority of the Commission participating at a duly noted public hearing, and such permit must be recorded at the Barnstable County Registry of Deeds, prior to any work.

STORMWATER MANAGEMENT PERMIT APPLICATION: The set of documents outlined in Section 2.03 that are required to be submitted in order to apply for a Stormwater Management Permit.

STORMWATER MANAGEMENT SITE PLAN: A plan required as part of the application for a Stormwater Management Permit (see Section 2.04).

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil or other surficial organic material.

SURFACE WATER DISCHARGE PERMIT: A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive, biological, or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

TSS: Total Suspended Solids.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

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

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

WATERS OF THE UNITED STATES: Waters specified in the Code of Federal Regulations, 40 CFR 230, as amended.

WETLAND RESOURCE AREAS: Areas specified in the Massachusetts Wetlands Protection Regulations, 310 CMR 10.00, as amended, and in the Town of Yarmouth Wetland Bylaw and Regulations, as amended.

1.03. Administration

(1) The Yarmouth Conservation Commission (Commission) shall administer, implement and enforce these regulations. Any powers granted to, or duties imposed upon, the Commission may be delegated in writing by the Commission to any Town employees, board, commission, committee or agent, hereby known as the "Authorized Agent". The Department of Municipal Inspections shall serve as an Authorized Agent.

1.04. Permits, Procedure, and Enforcement

See Sections 2.03 thru 2.07 for detailed application requirements.

(1) Filing Application. The applicant or his agent shall file with the Yarmouth Conservation Commission, a completed application package for a Stormwater Management Permit Application (SMPA), as outlined in Section 2.03. Permit issuance is required prior to any site altering activity.

(2) Site Plan Review Prior to Filing Application. Prior to submission of the SMPA to the Conservation Commission, the project shall be reviewed under Site Plan Review, and incorporate comments resulting from that review process.

(3) Entry to Perform Duties Under These Regulations. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Commission and/or Department of Municipal Inspections, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under these regulations and may make or cause to be made such examinations, surveys or sampling as the Commission and/or Department of Municipal Inspections deems reasonably necessary.

(4) Other Entities. The Conservation Commission shall give one (1) copy of the application package to the Department of Public Works Engineering Division.

(5) Fee Structure. Each application must be accompanied by a fee payable to the Town of Yarmouth. Refer to the Conservation Commission fee schedule for the applicable fee. Applicants shall pay review fees as determined by the Commission sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit before the review process commences. Consistent with Part 5 of the Town of Yarmouth Wetland Protection Regulations and MGL Ch. 44 §53G, the Commission may, at the Applicant's expense, retain a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of the Application.

(6) Administratively Complete Review. The Conservation Commission shall issue a written notice of administrative completeness or deficiencies to an applicant for an application within ten (10) business days of receiving the application. If the Conservation Commission issues a written notice of deficiencies within ten (10) days, the administrative review time frame and the overall time frame are suspended from the date the notice is issued until the date that the Conservation Commission receives the missing information from the applicant. If the Conservation Commission does not issue a written notice of administrative completeness or deficiencies within ten (10) business days of receipt of application, the application is deemed administratively complete. If the Conservation Commission issues a timely written notice of deficiencies, an application shall not be complete until all requested information has been received by the Conservation Commission.

(7) Public Hearing. Any person filing a Stormwater Permit Application with the Commission shall at the same time give written notices thereof, by certified mail or hand delivery, to all abutters according to the most recent certified record of the Yarmouth Assessors Office, and to all other persons as the Commission shall in writing require. Applicants shall postmark such notification at least (10) calendar days prior to the public hearing. The Commission shall hold a public hearing within 45 calendar days of a Stormwater Management Permit Application being deemed administratively complete in accordance with Section 1.04(6). The hearing shall be advertised at the expense of the applicant at least five working days prior to the hearing in a newspaper of general circulation in the Town and in accordance with the requirements of the Open Meeting Law, M.G.L. ch. 30A, §. 20. The Commission shall make the application available for inspection by the public during business hours at the Town of Yarmouth Conservation Office.

The Commission shall take final action within 21 days from the time of the close of the hearing unless such time is extended by agreement between the Applicant and the Commission. Failure of the Commission to take final action upon an Application within the time specified above shall be deemed to be an approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Commission action, the Commission must issue a Stormwater Management Permit.

(8) Information Requests. The Applicant shall submit all additional information requested by the Commission to issue a decision on the application.

(9) Actions. The Commission's action, rendered in writing, shall consist of either:

(a) Approval of the Stormwater Management Permit Application based upon determination that the proposed plans meet the requirements of Sections 2.03 through 2.07 and will adequately protect Waters of the Commonwealth located within or bordering the Town of Yarmouth and is in compliance with the requirements set forth in these regulations; or,

(b) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Commission which will ensure that the project meets the requirements of Sections 2.03 through 2.07, and will adequately protect Waters of the Commonwealth located within or bordering the Town of Yarmouth and is in compliance with the requirements set forth in these regulations; or,

(c) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plans, as submitted, do not meet the requirements of Sections 2.03 through 2.07 or will not adequately protect Waters of the Commonwealth located within or bordering the Town of Yarmouth, as set forth in these regulations.

(10) Recording of Approval. Upon issuance by the Commission, the Stormwater Management Permit shall be recorded by the applicant at the Barnstable County Registry of Deeds. Proof of such recording shall be provided to the Commission prior to the commencement of any work.

(11) Appeals. Any person aggrieved by the decision pursuant to this bylaw and regulation may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Massachusetts, within 21 calendar days of issuance of the decision.

(12) Remedies Not Exclusive. The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

(13) Plan Changes. The permittee must notify the Commission in writing of any changes or alterations in the project authorized in a Stormwater Management Permit before any change or alteration is made. If the Commission determines that the change or alteration is significant, based on the Stormwater Management requirements of Sections 2.03 through 2.07 and accepted construction practices, the Commission may require that an amended application be filed and a public hearing held. If any change or alteration from the Stormwater Management Permit occurs during any activities, the Commission may require the installation of interim measures before approving the change or alteration.

(14) Project Completion. At completion of the project the permittee shall submit as- built record drawings of the Stormwater Management System 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.

(15) Enforcement and Penalties. The Commission and/or Department of Municipal Inspections shall enforce the provisions of these regulations in accordance with Chapter 145 §145-3 and §145-7 of the Town of Yarmouth Bylaws.

1.05. 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.

1.06. Surety

The Commission may require the permittee to post, before the start of land disturbance or construction activity, a surety bond, cash, or other acceptable security in order to ensure that the stormwater practices are installed by the permit holder as required by the approved Stormwater Management Permit. Letters of Credit shall not

be accepted. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient by the Commission to ensure that the work will be completed in accordance with the permit. If the project is phased, the Commission 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 Commission has received the final reports as required by Section 2.09 and issued a Certificate of Completion.

1.07. Waivers

(1) The Commission may waive strict compliance with any requirement of these rules and regulations, where:

(a) such action is in the public interest or a public safety issue exists; and

(b) such action is allowed by Federal, State and local statutes and/or regulations; and

(c) such requirement is not inconsistent with the purpose and intent of these regulations.

(2) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation and documentation supporting the waiver request and demonstrating that strict application of these regulations does not further the purposes or objectives of these regulations. The Commission may require documentation to be submitted and stamped by a Professional Engineer or Certified Professional in Erosion and Sediment Control.

(3) All waiver requests shall be discussed and voted on at the public hearing for the project. If in the Commission's opinion, additional time or information is required for review of a waiver request, the Commission 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.

1.08. Effective Date

The effective date of these regulations shall be July 1, 2021 and the provisions of these regulations shall apply to all applications received on or after that date.

SECTION 2. REGULATIONS GOVERNING CONSTRUCTION AND POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS AND REDEVELOPMENTS

2.01. Purpose

Regulation of discharges to the MS4 and direct or indirect discharges to waters of the Commonwealth within or bordering Yarmouth is necessary for the protection of the Town of Yarmouth's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increased impervious surface area is a major cause of:

- impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
- contamination of drinking water supplies;
- erosion of stream channels;
- alteration or destruction of aquatic and wildlife habitat;
- flooding; and,
- overloading and clogging of the MS4.

Therefore, these regulations establish stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public.

The objectives of these regulations are:

- To require practices that control the flow of stormwater from new and redeveloped sites into the Town of Yarmouth's MS4 or directly or indirectly into waters of the Commonwealth, in order to prevent flooding, erosion, and system damage;
- To protect groundwater and surface water from degradation;
- To promote infiltration and groundwater recharge;
- To prevent pollutants from entering the Town of Yarmouth's MS4 and to minimize discharge of pollutants from the MS4;
- To require practices that eliminate soil erosion and sedimentation, and control the volume and rate of stormwater runoff resulting from land disturbance activities;
- To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

- To require practices during construction to prevent the discharge of pollutants associated with other construction activities, such as but not limited to fueling, equipment maintenance, and materials handling and storage;
- To ensure adequate long-term operation and maintenance of structural stormwater BMPs so that they work as designed;
- To comply with State and Federal statutes and regulations relating to stormwater discharges; and,
- To establish the Town of Yarmouth's legal authority to ensure compliance with the provisions of these regulations through inspection, monitoring, and enforcement.

2.02. Applicability

(1) No person may undertake a construction activity, including clearing, grading excavation or redevelopment that results in a land disturbance that will disturb equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land without a Stormwater Management Permit issued by the Commission. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

(2) Exemptions

(a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;

(b) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling;

(c) The construction of fencing that will not substantially alter existing terrain or drainage patterns;

(d) The construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not permanently alter terrain or drainage patterns;

(e) Projects that have received preliminary or definitive approval for Subdivision or completed a formal review by the site plan review team prior to June 30, 2021, are exempt from meeting the requirements of this regulation if the project commences construction prior to June 30, 2022 and will not discharge to the Town's MS4. If construction has not commenced before June 30, 2022, projects will be required to reapply for approval under these regulations.

2.03. Stormwater Management Permit Application Materials

(1) The application for a Stormwater Management Permit shall consist of the submittal of nine (9) copies of the following to the Commission:

- Completed Application Form;
- List of Abutters;
- Stormwater Management Site Plan (see Section 2.04);
- Erosion and Sediment Control Plan (see Section 2.06);
- Operation and Maintenance Plan (see Section 2.07);
- Fee Payment (See Section 1.04(5));
- Site Plan Review comments;
- Completed Administrative Checklist and any additional items required on that form.

A pdf file of the application, supporting information, and plan must also be emailed to the Yarmouth Conservation Administrator.

2.04 Stormwater Management Site Plan

(1) The proposed Stormwater Management Site Plan (SMSP) shall contain sufficient information for the Commission to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater. The SMSP shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Section 2.05 below and DEP Stormwater Management Handbook Volumes 1 and 2, as amended. The SMSP shall fully describe the project in drawings, and narrative. It shall include, as a minimum:

(a) A narrative that includes a description of the project and construction sequence.

(b) A locus map;

(c) The existing zoning, and land use at the site;

(d) The proposed land use;

(e) The location(s) of existing and proposed easements;

(f) The location of existing and proposed utilities;

(g) The site's existing and proposed topography with contours at 1-foot intervals;

(h) The existing site hydrology;

(i) A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater presently flows, or is proposed to flow;

(j) A delineation of 100-year flood plains, if applicable;

(k) Estimated seasonal high groundwater elevation using the Cape Cod Commission adjustment method (Cape Cod Commission Technical Bulletin 92-001, as amended) in areas to be used for stormwater retention, detention, or infiltration;

(l) The existing and proposed vegetation and ground surfaces with runoff coefficient for each;

(m) A drainage area map showing pre- and post-construction watershed boundaries, drainage areas, and stormwater flow paths;

(n) A description and drawings of all components of the proposed drainage system including:

i. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;

ii. all measures for the detention, retention, and/or infiltration of stormwater;

iii. all measures for the protection of water quality;

iv. the structural details for all components of the proposed drainage systems and stormwater management facilities;

v. notes on drawings specifying materials to be used, construction specifications, and typical details and cross-sections; and,

vi. proposed hydrology with supporting calculations.

(o) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;

(p) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;

(q) A maintenance schedule for the period of construction;

(r) Calculations supporting the design of the stormwater management system and its compliance with the performance standards established in these regulations;

(s) Documents must be stamped and certified by a qualified Professional Engineer (PE) registered in Massachusetts; and

(t) Any other information requested by the Commission.

2.05. Stormwater Management Performance Standards

Projects shall meet the following Performance Standards:

(1) Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites. Reduce the amount of runoff over paved surfaces through the implementation of LID techniques, such as infiltrating roof runoff at the source, planting large canopy trees over impervious areas to intercept rainfall, use of porous paving materials, etc. where feasible. The applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater.

(2) Good housekeeping procedures shall be used to reduce sources of sediment, phosphorus, nitrogen and other contaminants in stormwater runoff. These shall be documented in the Operation and Maintenance Plan and must include:

(a) Wash vehicles at commercial car washes or on lawns or pervious areas using biodegradable and phosphate free detergent;
(b) Removal of sediment, leaf litter and other organic debris from impervious surfaces a minimum of twice a year in the spring (after snowmelt) and fall (after leaf fall);
(c) Removal of sediment/debris from catch basin structures a minimum of once a year;
(d) Restrictions on the application of fertilizers, including:
    i. Fertilizer shall not be applied during or immediately prior to heavy rainfall, such as but not limited to thunderstorms, hurricanes, or northeastern storms, or when the soil is saturated due to intense or extended rainfall;
    ii. Fertilizer shall not be applied between November 12 and the following March 31;
    iii. Fertilizer shall not be applied, spilled or deposited on impervious surfaces or in a manner that allows it to enter into storm drains;
    iv. Fertilizer shall not be applied within 100 feet of any surface water or within the Zone I of a public drinking water well;
    v. Fertilizer containing phosphorus shall not be applied unless a soil test taken not more than three years before the proposed fertilizer application indicates that additional phosphorus is needed for growth of that turf, or unless establishing new turf or reestablishing or repairing turf after substantial damage or land disturbance;

vi. A single application of fertilizer that contains nitrogen shall not exceed 1.0 pound of nitrogen per 1,000 square feet, shall consist of at least 20% slow-release nitrogen (SRN) fertilizer (NOTE: This represents the minimum percentage: use of higher SRN content is generally preferable, especially on sandy root zones, during stress and pre-stress periods, and when there are fewer annual applications of nitrogen made to a lawn) and the annual rate shall not exceed 3.2 pounds of actual nitrogen per thousand square feet. Single applications shall be done at intervals of no less than four weeks until the annual maximum is reached;

vii. Grass clippings, leaves, or any other vegetative debris shall not be deposited into or within 50 feet of water bodies, retention and detention areas, drainage ditches or stormwater drains, or onto impervious surfaces, such as, but not limited to, roadways and sidewalks, except during scheduled clean-up programs; and

(e) Provide for routine inspection (at least annually) and maintenance of structural BMPs to remove sediment and debris.

(3) Stormwater management systems design shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook (as amended) with the following additional requirements:

(a) Post-development peak discharge rates do not exceed pre-development peak discharge rates for the 2, 10, 25, 50 and 100-year 24-hour storms. The 50-year post-development stormwater volume shall be retained onsite through design of the stormwater management system to the maximum extent practicable. The 100-year post-development stormwater volume shall be controlled onsite with no offsite discharge to the maximum extent practicable. This Standard may be waived for discharges to land subject to coastal storm flowage as defined in the Massachusetts Wetlands Protection Regulations at 310 CMR 10.04.

(b) Structural pretreatment is required for all proposed infiltration devices to remove 44% TSS from runoff before it enters the infiltration device. Runoff from non-metal roofs may be infiltrated without pretreatment. Runoff from metal roofs may be infiltrated without pretreatment only if the roof is located outside the Zone II or Interim Wellhead Protection Area of a public water supply and outside an industrial site, otherwise, pretreatment is required as specified in the Stormwater Management Handbook.

(c) The calculations of runoff volumes and peak rates required under Massachusetts Stormwater Management Standard 2 shall be based on precipitation data provided in National Oceanic and Atmospheric Administration (NOAA) – National Weather Service "NOAA Atlas 14" unless otherwise authorized by the Commission.

(4) Stormwater management systems for <u>new developments</u> shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of TSS AND 60% of the average annual load of Total Phosphorus (TP) AND 30% of average annual load of Total Nitrogen (TN) related to the total post-construction impervious area on the site as achieved through one of the following methods:

(a) Installing BMPs that meet the pollutant removal percentages. Pollutant removal shall be determined as required in Paragraph (6) below; or

(b) Retaining the volume of runoff equivalent to, or greater than one (1.0) inch multiplied by the total post-construction impervious surface area on the new development site, with pretreatment provided in accordance with Section 2.05(3)(b); or

(c) Meeting a combination of retention and treatment that achieves the above standards; or

(d) Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site. Offsite mitigation can only be proposed for projects that cannot meet 100% of the infiltration and/or treatment goals due to specific site constraints. Examples when offsite mitigation may be proposed include: impermeable or low permeable soils; high groundwater; site with higher pollutant loads.

(5) Stormwater management systems for <u>*redevelopments*</u> shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of TSS AND 50% of the average annual load of TP AND 30% of the average annual load of TN related to the total post-construction impervious area on the site as achieved through one of the following methods:

(a) Installing BMPs that meet the pollutant removal percentages. Pollutant removal shall be determined as required in Paragraph (6) below; or

(b) Retaining the volume of runoff equivalent to, or greater than, 0.8 inch multiplied by the total post-construction impervious surface area on the redeveloped site, with pretreatment provided in accordance with Section 2.05(3)(b); or

(c) Meeting a combination of retention and treatment that achieves the above standards; or

(d) Utilizing offsite mitigation that meets the above standards within the same USGS HUC10 as the redevelopment site. Offsite mitigation can only be proposed for projects that cannot meet 100% of the infiltration and/or treatment goals due to specific site constraints. Examples when offsite mitigation may be proposed include: impermeable or low permeable soils; high groundwater; site with higher pollutant loads.

(e) 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 unless infeasible and are exempt from Paragraphs (5)(a) through (5)(c) above. 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 Paragraphs (5)(a) through (5)(c) fully.

(6) In complying with (4) and (5) above, the required removal percentage is not required for each storm; it is the average removal over a year that is required. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) (https://www.epa.gov/npdes-permits/stormwater-tools-new-england) 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. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

(7) Discharges to water bodies or their tributaries subject to one or more approved Total Maximum Daily Load (TMDL) or impaired waterbodies and their tributaries, listed as Category 4b or 5 in the current Massachusetts Integrated List of Waters listed pursuant to the Federal Clean Water Act Sections 303(d) and 305(b) without an EPA approved TMDL shall adhere to the following:

(a) To the extent that a new development or redevelopment project will discharge to a water body or its tributaries subject to one or more pollutant-specific TMDLs, the project shall implement structural and non-structural stormwater best management practices (BMPs) that are consistent with each such TMDL.

(b) For any new development or redevelopment project that discharges stormwater to a water body subject to a Nitrogen TMDL, the stormwater management system shall be designed using BMPs optimized for nitrogen removal.

(c) For a new development or redevelopment project that discharges stormwater to a waterbody identified as impaired due to phosphorus, the stormwater management system shall be designed using BMPs optimized for phosphorus removal.

(d) For a new development or redevelopment project that discharges stormwater to a waterbody identified as impaired due to chloride, the applicant shall include measures in the required Operation and Maintenance (O&M) Plan to minimize salt usage or use alternative deicing materials and practices. The applicant shall consult with the Yarmouth Department of Public Works to develop these O&M provisions.

(e) For a new development or redevelopment project that is a commercial or industrial land use and discharges stormwater to a waterbody identified as impaired due to solids, metals, or oil and grease (hydrocarbons). The following shall apply:

i. The stormwater management system shall be designed to allow shutdown and containment in the event of an emergency spill or other unexpected event;

ii. Any stormwater management system designed to infiltrate stormwater shall provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration of the same volume of runoff to be infiltrated, prior to infiltration.

2.06. Erosion and Sediment Control Plan

The applicant shall provide an Erosion and Sediment Control Plan meeting the following requirements:

(1) The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, proposed erosion and sedimentation controls, and measures to prevent pollution from all construction activities. The Applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 2.06(3) and (4) below.

(2) If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges From Construction Activities (and as amended), then the permittee is required to submit a complete copy of the SWPPP. If the SWPPP meets the requirements of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section.

(3) The design of erosion and sediment controls shall meet the following requirements:

(a) Conform to the guidelines described in "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas" (1997) or alternative design guidance approved by the Commission;

(b) Minimize total area of disturbance and protect natural resources;

(c) Sequence activities to minimize simultaneous areas of disturbance;

(d) Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Management Standards;

(e) Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control; these measures include but are not limited to:

i. Establishing perimeter controls around areas that will be disturbed;
ii. Using stabilized construction site entrances and exits to prevent off-site tracking of sediments;
iii. Protecting slopes on construction sites;
iv. Protecting all storm drain inlets;
v. Armoring or otherwise stabilizing all newly constructed outlets;
vi. Inspecting stormwater controls at consistent intervals.

(f) Stabilize sites when projects are complete or operations have temporarily ceased;

(g) Divert uncontaminated water around disturbed areas;

(h) Maximize infiltration and groundwater recharge;

(i) Install and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;

(j) Prevent off-site transport of sediment;

(k) Protect and manage on and off-site 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);

(l) 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;

(m) 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 from the proposed activities;

(n) Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than fourteen (14) days after construction activity has temporarily or permanently ceased on that portion of the site;

(o) Properly manage on-site construction and waste materials;

(p) Minimize the discharge of pollutants in groundwater or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation:

i. Treat dewatering discharges with controls to minimize discharges of pollutants (e.g., appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., bag or sand filters) and passive treatment systems that are designed to remove sediment;

ii. Do not discharge visible floating solids or foam;

iii. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;

iv. To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The operator is prohibited from using Waters of the U.S. as part of the treatment area;

v. At all points where dewatering water is discharged, use erosion controls and velocity dissipation devices such as check dams, sediment traps, riprap, and grouted riprap;

vi. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and

vii. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

(q) Ensure that any stormwater BMP (for post construction stormwater management) installed during construction will be protected from compaction, siltation, and erosion, or will be restored or replaced such that the BMP will be capable of functioning as designed in accordance with these stormwater regulations.

(4) Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

(a) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;

(b) Title, date, north arrow, names of abutters, scale, legend, and locus map;

(c) Location and description of natural features including:

i. 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 professional engineer for areas not assessed on these maps;

ii. Existing vegetation including tree lines, canopy layer, shrub layer, and ground cover, and trees with a caliper twelve (12) inches diameter breast height or larger, noting specimen trees and forest communities; and

iii. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats within five hundred (500) feet of any construction activity.

(d) Lines of existing abutting streets showing drainage and driveway locations and curb cuts;

(e) Volume and nature of existing and proposed soil materials;

(f) Topographical features including existing and proposed contours at intervals no greater than one (1) foot with spot elevations provided as needed;

(g) 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;

(h) Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);

(i) 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 material stockpiling areas;

(j) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;

(k) Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;

(l) Stormwater runoff calculations in accordance with these regulations;

(m) Location and description of, and implementation schedule for, temporary and permanent seeding, vegetative controls, and other stabilization measures;

(n) A description of construction and waste materials expected to be stored on-site. 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;

(o) A description of where and how construction vehicles and equipment will be cleaned within the site or at designated entry/egress stations at the site boundary;

(p) A description of how fueling of vehicles and equipment will be conducted, including how fuels and other vehicle maintenance substances will be stored and handled during construction;

(q) A description of how chemicals and any other materials that constitute a potential source of stormwater contamination will be stored and handled during construction;

(r) A description of how dewatering will be performed including how water will be handled;

(s) A detailed description of project phases;

(t) Plans must be stamped and certified by a qualified Professional Engineer (PE) registered in Massachusetts or a Certified Professional in Erosion and Sediment Control (CPESC); and

(u) Any other information requested by the Commission.

2.07. Operation and Maintenance Plan (post-construction)

(1) A stand-alone Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The O&M Plan shall be designed to ensure compliance with the Stormwater Management Permit and these regulations. The Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Commission will consider natural features, the proximity of the site to MS4s, water bodies and wetlands, the extent of impervious surfaces, size of the site, the types of stormwater management practices, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Commission and shall be an ongoing requirement. The O&M Plan shall include:

(a) The name(s) of the owner(s) for all components of the system.

(b) The names and addresses of the person(s) responsible for operation and maintenance;

(c) The person(s) responsible for financing maintenance and emergency repairs;

(d) Non-structural and good housekeeping practices to reduce sediment, phosphorus, nitrogen and other contaminants from entering stormwater runoff;

(e) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each non-structural/good housekeeping and structural BMP.

(f) A list of easements with the purpose and location of each;

(g) The signature(s) of the owner(s);

(h) Estimated operation and maintenance budget; and

(i) The responsible party shall:

i. maintain a log of all operation and maintenance activities for the last three years including inspections, repair, replacement, and disposal (the log shall indicate the type of material and the disposal location);

ii. make this log available to the Conservation Commission, Department of Municipal Inspections and/or the Commonwealth of Massachusetts upon request;

iii. allow the Conservation Commission and/or Department of Municipal Inspections to inspect each BMP to determine whether the responsible party is implementing the Operation and Maintenance Plan; and

iv. Submit an annual certification, due November 1st each year, documenting 1) how non-structural and good housekeeping practices over the last 12 months adhered to the O&M Plan; and 2) the work that has been done over the last 12 months to properly operate and maintain the stormwater control measures. The certification shall be signed by the owner. Once every five years, beginning on the fifth year of maintenance, such certification must be prepared by a registered Professional Engineer and signed by both the Engineer and the Owner.

(2) Changes to Operation and Maintenance Plan

(a) The owner(s) of the stormwater management system must notify the Commission of changes in ownership or assignment of financial responsibility.

(b) The maintenance schedule in the maintenance plan may be amended to achieve the purposes of these regulations by approval of the Commission. 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.

2.08. Inspection and Site Supervision

(1) Pre-construction Meeting. Prior to starting clearing, excavation, construction, or land disturbing activity 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 Commission to review the permitted plans and their implementation.

(2) Commission Inspections. The Commission and/or Department of Municipal Inspections 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 Permit and associated Stormwater Management Plan, Erosion and Sediment Control Plan, and Operation and Maintenance Plan, bearing the signature of approval of the Commission, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Commission at least two (2) working days before each of the following:

- Erosion and sediment control measures are in place;

- Bury Inspections: prior to backfilling of any underground drainage, stormwater structures or BMPs.
- Close of the Construction Season if applicable;
- Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the Applicant must file the reports as provided in Section 2.09 of these regulations.

(3) Permittee Erosion and Sediment Control Inspections. The permittee shall conduct and document inspections of all erosion and sediment 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 erosion and sediment control plan, and the need for maintenance or additional control measures. The permittee shall submit certified monthly erosion and sediment control reports to the Commission using the most recent Construction General Permit Inspection Report Template format.

2.09. Final Reports

(1) Upon completion of the work, the permittee shall submit a report from a Professional Engineer (PE), or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all permitted construction, plans, and approved changes and modifications, have been completed in accordance with the conditions of the approved Permit. Any discrepancies should be noted in the cover letter.

(2) The applicant shall submit as-built drawings to the Commission with the report required under 2.09(1) no later than 3 months after completion of the work. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management).

(3) If any 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, or in the Erosion and Sediment Control Plan it shall be corrected by the permittee before the performance guarantee is released. The permittee shall revise the O&M Plan based upon the final stormwater management system installed. If the permittee fails to act, the Town of Yarmouth may use the surety bond to complete the work.

2.10. Certificate of Completion

The Commission will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all permitted work has been satisfactorily completed in conformance with these regulations. The commission may, in addition to certifying satisfactory completion of the project, require ongoing maintenance procedures and/or work deemed necessary by the commission. The certificate of completion shall be recorded by the applicant in the Barnstable County Registry of Deeds. Proof of such recording shall be supplied to the Commission.

SECTION 3. REGULATIONS GOVERNING DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM

3.01. Purpose

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system, wetland resource areas, or waters of the Commonwealth is necessary for the protection of the Town of Yarmouth's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of these regulations are:

- to prevent pollutants from entering the Town of Yarmouth's MS4;
- to prohibit illicit connections and unauthorized discharges to the MS4;
- to require the removal of all such illicit connections;
- to comply with State and Federal statutes and regulations relating to stormwater discharges; and
- to establish the legal authority to ensure compliance with the provisions of these regulations through inspection, monitoring, and enforcement.

3.02. Applicability

These regulations shall apply to flows entering the MS4.

3.03. Prohibited Activities

- Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the MS4, into a water resource area, or into the waters of the Commonwealth within or bordering the Town of Yarmouth.
- Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Commission with input from the Department of Public Works.

- No person shall throw, deposit, leave, maintain, keep, or permit to be thrown deposited, left, or maintained, in or upon any premise, public or private property, driveway, parking area, street, ally, sidewalk, component of the MS4, or any surface water of (town), any object or material, including but not limited to; refuse, rubbish, garbage, animal waste, litter, yard waste, or other discarded or abandoned objects, articles, and accumulations so that the same may cause or contribute to the pollution, or interfere with the operation, maintenance, and access to the MS4. Waste deposited in street in proper waste receptacles for collection are exempted from the prohibition.

3.04. Exemptions

The following non-stormwater discharges or flows are exempt from these regulations provided that they are not a significant contributor of a pollutant to MS4:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration (defined as water other than wastewater that enters a sewer system including sewer service connections and foundation drains from the ground through such means as defective pipes, pipe joints, connections, or manholes).
- Discharge from potable water sources
- Air conditioning condensation
- Irrigation water, springs
- Footing/foundation drains
- Lawn watering
- Individual resident car washing
- Flows from riparian habitats and wetlands
- De-chlorinated swimming pool discharges, that meet the following conditions:
    - The pool water is dechlorinated naturally by allowing the water to sit in the sun for 5-10 days without adding any chlorine or by using a chemical dichlorination additive (contact your local pool supply store for options); and
    - Dechlorination is verified using a pool testing kit; and
    - Water pH is between 6 and 9; and
    - There is no discharge of filter media, acid cleaning wastes or solutions; and
    - The discharge water will not pond or flow to neighboring properties; and
    - The discharge does not occur during rain events.
- Street wash waters
- Residential building wash waters without detergents

3.05. Emergency Suspension of Storm Drainage System Access

The Commission and/or Department of Municipal Inspections and Department of Public Works may suspend municipal storm drain system access without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with a n emergency suspension order, the Commission and/or Department of Municipal Inspections may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

3.06. Notification of Spills

Notwithstanding other requirements of Local, State, or Federal law, 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, oil or hazardous materials to the MS4, wetland resource areas, or waters of the Commonwealth, the person shall immediately notify the Town Fire, Police and Natural Resources Departments, and take all necessary steps to ensure containment, and cleanup of the release. The reporting person shall notify the Commission no later than the next business day. The reporting person shall provide to the Commission written confirmation of all telephone, facsimile 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 by the facility operator for at least three (3) years.