

TOWN OF AUBURN



STORMWATER MANAGEMENT REGULATIONS

Adopted: November 9, 2021

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SECTION 1. GENERAL

1.1 PURPOSE

The purpose of these Stormwater Regulations is to protect the Town of Auburn's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The presence of illicit discharges and increased and contaminated stormwater runoff associated with construction sites, developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and decreased 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; overloading or clogging of municipal catch basins and storm drainage systems; and flooding.

These Regulations are intended to:

1. Prevent pollutants from entering the Town's municipal storm drainage system and waters of the Commonwealth of Massachusetts;
2. Prohibit non-stormwater and unauthorized discharges, connections, and obstructions to the municipal storm drainage systems;
3. Require the removal of all such illicit discharges, connections, and/or obstructions;
4. Comply with state and federal statutes and regulations relating to stormwater discharges, including the National Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer Systems General Permit, commonly known as the "MS4 permit";
5. Establish procedures to regulate construction and post-construction stormwater runoff management from new development and redevelopment; and
6. Establish legal authority to ensure compliance with the provisions of these Regulations through inspection, monitoring, and enforcement.

1.2 AUTHORITY

The Regulations contained herein have been adopted by the Authorized Enforcement Agency (AEA) and/or their Designee in accordance with the authority granted by the Town of Auburn's Chapter XIV: Stormwater Management Bylaw (the Bylaw) and may be so cited.

Nothing in these Regulations is intended to replace or be in derogation of the requirements of any Town bylaw, including zoning bylaws, wetland protection bylaws, or subdivision control laws, or any other regulations adopted thereunder.

1.3 APPLICABILITY

These Regulations apply to all activities in accordance with the applicability sections of the Bylaw and further described herein.

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 system 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.

Projects and/or activities not within the jurisdiction of any of the Town Boards, Commissions, or Departments, but still within the jurisdiction of the Bylaw must comply with these Regulations and, if applicable, must obtain a Land Disturbance Permit in accordance with the permit procedures outlined herein.

1.4 SEVERABILITY

The provisions of these Regulations are hereby declared to be severable. If any provision, paragraph, sentence, or clause of these Regulations or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of these Regulations; all other provisions shall continue in full force and effect.

1.5 ADMINISTRATION

The AEA shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the AEA may be delegated in writing by the AEA to its employees, other Town Departments, or agents of the Town of Auburn (i.e., the “Designee”).

Strict compliance with any requirement of the Bylaw or the Regulations may be waived for the reasons given, and in accordance with the procedures set forth in the Bylaw.

1.6 RIGHT TO AMEND REGULATIONS

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

1.7 DEFINITIONS

For the purpose of these regulations, the following shall mean:

“ALTERATION OF DRAINAGE CHARACTERISTICS”: Any activity on an area of land that changes the water quality, or the force, quantity, 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” as defined below requiring a permit for any activity in these regulations.

“AUTHORIZED ENFORCEMENT AGENCY” or “AEA”: The Stormwater Committee or its designees will be in charge of enforcing the requirements of the Bylaw and associated regulations.

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

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

“CERTIFICATE OF COMPLETION”: A document issued by the AEA after all construction activities have been completed, which states that all conditions of an issued Land Disturbance Permit have been met and that a project has been completed in compliance with the conditions set forth in the permit.

“CLEARING”: Any activity that removes the vegetative surface cover.

“COMMON PLAN OF DEVELOPMENT”: A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

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

“DEVELOPMENT”: The modification of land to accommodate a new use or expansion of use, usually involving construction, including any increase in impervious area.

“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.

“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.

“GROUNDWATER”: Water beneath the surface of the ground, including confined or unconfined aquifers.

“GRUBBING”: The act of removing or digging up roots and stumps.

“ILLICIT CONNECTION”: An illicit connection is defined as either of the following:

(a) A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including but not limited to, 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 By-law; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the municipal storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Town.

“ILLICIT DISCHARGE”: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 14.02(2)(B) of the Bylaw.

“IMPERVIOUS SURFACE”: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes, without limitation, roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 0.70.

“LAND DISTURBING ACTIVITY” or “LAND DISTURBANCE”: Any activity, including clearing or grubbing, that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; or results in an alteration of drainage characteristics.

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

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

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

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

“PERMIT HOLDER”: The person who holds a land disturbance permit and bears the responsibilities of said permit.

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

“PLAN”: Any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot.

“POLLUTANT”: Anything which causes or contributes to pollution. Pollutants shall include, but not be limited to: (a) Paints, varnishes, and solvents; (b) Oil and other automotive fluids; (c) Some non-hazardous liquids and solid wastes and yard wastes; (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, accumulations, and floatables; (e) Pesticides, herbicides, and fertilizers; (f) Hazardous materials and wastes, sewage, fecal coliform, and pathogens; (g) Dissolved and particulate metals; (h) Animal wastes; (i) Rock, sand, salt, soils; (j) Construction wastes and residues; and (k) Noxious or offensive matter of any kind.

“POLLUTION”: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

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

“REDEVELOPMENT”: Development, rehabilitation, expansion, demolition, construction, land alteration or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes new development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving, and remedial projects specifically designed to provide improved stormwater management, such as stormwater retrofit projects.

“RESPONSIBLE PARTIES”: Owner(s), persons with financial responsibility, and persons with operational responsibility.

“RUNOFF”: Rainfall, snowmelt, or 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 depositing of sediment.

“SITE”: Any lot or parcel of land or area of property where land disturbing activities are, were, or will be performed.

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

“SOIL”: Earth materials including duff, humic materials, sand, rock, and gravel.

“STORMWATER”: Any surface flow, runoff, and drainage consisting entirely of water from precipitation events.

“STORMWATER COMMITTEE”: A Committee of the Town of Auburn consisting of the following members: Department of Public Works Director, Town Engineer, Department of Public Works Assistant Director, Senior Civil Engineer, Highway Superintendent, Sewer Superintendent, Town Planner, Director of Public Health, Building Commissioner, Agent of the Conversation Commission, Economic Development Coordinator, and the Auburn Water District’s Superintendent or Designee. The representative of the Auburn Water District shall be non-voting.

“WATERCOURSE”: A natural or man-made channel through which water flows, including a river, brook, or 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, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

“WETLAND RESOURCE AREA”: Areas specified in the Massachusetts Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40 and in the Town of Auburn Wetland Protection By-law.

SECTION 2. MUNICIPAL STORM DRAINAGE SYSTEM USE

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

2.1 Illicit Discharges

No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth. This may include, but is not limited to:

- Throwing, depositing, leaving, maintaining, keeping, or permitting to be thrown, leaving, or maintaining, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, 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; or
- Directly or indirectly dumping or discharging 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; or
- Directly or indirectly discharging any septage.

Any person determined by the AEA to be responsible for the direct or indirect discharge of any of the above substances to the municipal storm drain system or water of the Commonwealth may be responsible for all clean-up costs and for paying any penalties assessed by the AEA or other federal state or local agencies.

2.2 Illicit Connections

The construction, use, maintenance, or continued existence of illicit connections to the municipal storm drainage system is prohibited. Any illicit connection which is or has been connected to the municipal storm drainage system, regardless of whether the connection was permissible under the applicable law, regulation, or custom at the time, shall be immediately disconnected from the municipal storm drainage system by the Owner or by the AEA at the Owner's expense.

2.3 Flow Obstructions Prohibited

No person shall obstruct or interfere with the normal flow of water into or out of the municipal storm drain system, watercourse, or waters of the Commonwealth without prior written approval from the AEA.

At the discretion of the AEA, any placement or deposition into any outfall, drainage facility, stormwater drain or watercourse within the municipality of 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 shall be removed and/or associated damage will be repaired by the Owner or by the AEA at the Owner's expense.

2.4 Authorization to Discharge to Municipal Storm Drainage Systems

No person shall cause or allow any non-stormwater discharges to the municipal storm drainage system without having first obtained written authorization from the AEA. The decision to approve such discharges rests entirely with the AEA.

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
- 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
- Utility access chamber discharges.

Persons seeking to discharge pursuant to written authorization from the AEA shall also obtain, where 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 AEA.

Written authorization issued to the applicant may stipulate special conditions and terms as deemed necessary or appropriate by the AEA. Authorization shall be denied, revoked, suspended or reissued if the AEA 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.

In the case of construction site dewatering, the duration of the permit shall not exceed the time period necessary to keep a site dewatered during construction. A permittee may apply to the AEA for an extension of authorization for construction site dewatering if so approved by the appropriate state or federal agency.

2.5 NPDES Multi-Sector General Permit

When requested by the AEA, every person who is required to be covered under a NPDES Permit for a Stormwater Discharge associated with Industrial Activity shall submit to the AEA a copy of the

completed NPDES Multi-Sector General Permit Notice of Intent or individual application as submitted to EPA.

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 AEA prior to or as a condition of a special permit, variance, subdivision approval, site plan approval, or building permit; during any enforcement proceeding or action; or for any other reasonable cause.

2.6 Notification of Spills

Notwithstanding other requirements of federal, state or local laws, rules or regulations, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants or illicit discharges into stormwater, to the municipal storm drainage system, or waters of the Commonwealth, the person shall take all necessary steps to ensure discovery, containment, and cleanup of the release.

In the event of a release of oil or hazardous waste to the municipal storm drainage system, the person shall immediately notify the AEA and the Town's Fire and Public Works Departments and the Board of Health. In the event of a release of a non-hazardous pollutant to the municipal storm drainage system, the reporting person shall notify the AEA in person or by phone no later than 4:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the AEA within three business days of the phone notice.

If the discharge of prohibited materials emanates from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained in accordance with the Massachusetts Public Records Law.

2.7 Transitional Provisions

Owners shall have 60 days from the effective date of these Regulations to comply with the provisions of Section 2.0, provided good cause is shown for the failure to comply during that period.

SECTION 3. LAND DISTURBANCE PERMIT PROCEDURES AND REQUIREMENTS

Permit issuance is required prior to any land disturbance activity that results in the thresholds contained within **Table 1**. The AEA shall review all applications for a Land Disturbance Permit, issue a final permit, and conduct any necessary enforcement actions. For the purpose of these Regulations, applications shall be divided into Minor and Major Categories.

Table 1: Land Disturbance Permit Thresholds

Regulated Activity	Minor Land Disturbance Permit Threshold	Major Land Disturbance Permit Threshold
Any land disturbance activity (or activities that are part of a larger plan of development)	5,000 – 9,999 square feet	≥10,000 square feet
Any land disturbance activity where there is an existing or proposed slope of 15% or greater	2,500 – 4,999 square feet	≥5,000 square feet
Any land disturbance activity that will result in equal to or greater than 50 cubic yards of material filled, removed, or altered	50 – 499 cubic yards	≥500 cubic yards
An increase in impervious area	1,000 – 2,999 square feet of new impervious area	≥3,000 square feet of new impervious area

Pursuant to the Bylaw, the following activities do not require a Land Disturbance Permit:

- Normal maintenance and improvement of Town-owned public ways and appurtenances;
- Normal maintenance and improvement of land in agricultural use, as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- Repair or replacement of septic systems when required by the Board of Health for the protection of public health and in accordance with Title V (CMR 15.00);
- The construction of fencing that will not alter existing terrain or drainage patterns;
- Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns;
- Maintenance of existing landscaping, gardens, or lawn areas associated with single-family dwellings;
- Repair or replacement of an existing roof of a single-family dwelling;
- Activities conducted in accordance with an approved Massachusetts Department of Conservation and Recreation Forest Stewardship Plan;
- Regular and approved maintenance of stormwater infrastructure; and
- Emergency work that poses a threat to public health and safety.

Note that the above exempt activities do not preclude the need for the use of BMPs and erosion control methods.

The AEA shall review all applications for a Land Disturbance Permit, issue a final permit, and conduct any necessary enforcement action.

3.1 Information Requests

The Applicant shall submit all additional information requested by the AEA as deemed necessary to issue a decision on the application.

3.2 Determination of Completeness

The AEA shall make a determination as to the completeness of the application and adequacy of the materials submitted within ten (10) business days of receipt of the application. No review shall take place until the application has been found to be complete. Once the application is found to be complete, the date of the determination shall be the official filing date.

3.3 Applicants

The site owner or their agent shall file with the AEA a completed application package for either a Minor or Major Land Disturbance Permit. While the Applicant can be a representative, the permittee must be the owner of the site.

3.4 Minor Land Disturbance Permit

A Minor Land Disturbance Permit Application shall include:

- Minor Land Disturbance Permit Application with signatures of all owners
- Plan, drawn to scale, which includes the following:
 - The owner of record, parcel(s) on which the activity is to take place including deed, book and page reference, the Assessor's tax map and lot number;
 - Scale, north arrow, and date;
 - Soil erosion and sediment control practices, including a stabilized construction entrance (as required by the AEA);
 - Planned and existing roadways
 - Waterways;
 - Building(s) to be constructed or razed;
 - Existing and proposed topography with contours at a minimum of 2-foot intervals with spot elevations provided (as required by the AEA); and
 - Existing and proposed drainage infrastructure, including structural best management practices;
- A narrative summarizing how the application materials are in conformance with the design and construction standards for a Minor Land Disturbance Permit, included in **Attachment A**.
- Certification that Operation and Maintenance of permanent structural BMPs will be performed in perpetuity.
- Applicable filing and inspection fees.

One (1) electronic copy of the Minor Land Disturbance Permit Application Package shall be submitted to the AEA.

3.5 Major Land Disturbance Permit

A Major Land Disturbance Permit Application shall include;

- Major Land Disturbance Permit Application with signatures of all owners;
- Stormwater Management Plan, as specified in Section 3.6 of these regulations;
- Erosion and Sediment Control Plan, as specified in Section 3.7 of these regulations;
- Long-Term Operation and Maintenance Plan, as specified in Section 3.8 of these regulations; and
- Applicable filing and inspection fees.

One (1) electronic (pdf) copy of the entire Major Land Disturbance Permit Application Package shall be submitted to the AEA. Plans, reports, and calculations must be prepared, sealed, and stamped by a Licensed Professional Engineer.

3.6 Stormwater Management Plan

The Stormwater Management Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the AEA to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater.

Stormwater management systems in projects subject to a Major Land Disturbance Permit shall be consistent with, or more stringent than, the design and construction standards listed in **Attachment B**. At a minimum, the Stormwater Management Plan shall contain the following information:

- Design plans for the proposed project including:
 - Title, date, north arrow, names of abutters, scale, legend, and locus map of sufficient scale to determine location and identify the parcel in relation to the surrounding properties;
 - Location(s) of watercourses and water bodies, wetland resource areas, buffer zones, riparian zones 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 (if applicable);
 - Location(s) of critical area boundaries at the site, including habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened, or of Special Concern, Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity;
 - Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
 - Property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, and the size of the entire parcel. Parcels will be labeled with the names and addresses of all abutters and include those across any street or way.
 - Location(s) of existing and proposed buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
 - Location(s) of existing and proposed utilities;

- Existing and proposed topography with contours at a minimum of 2-foot intervals with spot elevations provided when needed;
- Location(s) of all soil test pits and/or borings;
- Measures for the detention, retention, or infiltration of water;
- Measures for the protection of water quality;
- Structural details for all components of the proposed drainage system and stormwater management facilities; and
- Notes on drawings specifying materials to be used, construction specifications, and typicals.
- A narrative that illustrates the following:
 - A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
 - A description of all components of the proposed drainage system;
 - Demonstration of compliance with the design and construction standards included in **Attachment B**;
 - Identification of all receiving waters and associated pollutants of concern as documented in the most recent Massachusetts Integrated List of Waters; and
 - A description of proposed winter maintenance practices, including procedures to minimize salt usage and the use of salt alternatives, where appropriate;
- Calculations, including the following:
 - Design storm parameters and precipitation data source;
 - Soil and land use characterization, including NRCS hydrologic soil group boundaries;
 - A drainage area map showing pre- and post-construction watershed boundaries, including points of analysis;
 - Pre- and post-development hydrologic calculations including time of concentration calculations and breakdown summary of runoff coefficients/curve numbers;
 - Pre- and post-development hydraulic calculations including pipe, culvert, and swale analysis calculations, as applicable;
 - Infiltration calculations, as applicable;
 - Structural BMP calculations (e.g., detention ponds, outlet control structures), as required by the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Handbook (MA Handbook) and these Regulations;
 - TSS removal rates and calculations;
 - Phosphorus removal rates and calculations for each BMP, including the BMP type, total area treated by the BMP, the design storage volume of the BMP and the estimated phosphorus removed in mass per year by the BMP. Phosphorus calculations will be completed in accordance with Attachment 1 to Appendix F of the 2016 Massachusetts Small MS4 General Permit (see <https://www3.epa.gov/region1/npdes/stormwater/ma/2016fpd/appendix-f-2016-ma-sms4-gp.pdf>) For BMPs not listed, submit phosphorus reduction calculations per best engineering practices; and

- An estimate, made by a Competent Soils Professional as defined in the Massachusetts Stormwater Handbook, of the seasonal high groundwater elevation, depth to refusal, and soil classification in each area to be used for stormwater retention, detention, or infiltration. All soil testing shall be witnessed by the AEA. Additional testing, including percolation tests at infiltration sites, may be required by the AEA at their discretion;
- Any other information requested by the AEA.

3.7 Erosion and Sediment Control Plan

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, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed below.

Construction subject to a Major Land Disturbance Permit shall be consistent with, or more stringent than, the erosion and sediment control standards listed in **Attachment B**. At a minimum, the Erosion and Sediment Control Plan shall contain the following information:

- Names, addresses, email addresses and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
- Contact information for the Best Management Practices Manager; that is, the individual who will serve as the O&M point of contact. Include phone number, email address, and 24-hour contact information.
- Design plans of the proposed project including:
 - All Design Plan requirements described in **Section 3.6 Stormwater Management Plan**;
 - Depiction or description of areas of soil disturbance;
 - Depiction or description of areas of cut and fill;
 - Location and details of erosion and sediment control measures;
 - Location of stockpile areas;
 - Delineation and number of square feet of the land area to be disturbed;
 - Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable; and
 - Location of temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.
- A narrative that illustrates the following:
 - Description of characteristics of existing soils and the volume and nature of imported or exported soil materials (e.g., NRCS mapping, test pit results).
 - Timing, schedules, and sequence of the project, including clearing, striping, rough grading, construction final grading, vegetation stabilization, and operation and maintenance for structural and non-structural best management measures;
 - A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;

- The inspection and maintenance schedules for each BMP, as well as any other existing or proposed drainage infrastructure, including checklists and blank inspection forms, as available. Indicate where inspection logbook will be kept on site;
 - Description of construction and waste materials expected to be stored on-site; and
 - 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.
- Such other information as required by the AEA.

3.8 Long-Term Operation and Maintenance Plans

The Long-Term Operations and maintenance of private facility construction are the responsibility of the Owner. The Long-Term Operation and Maintenance (O&M Plan) for the permanent stormwater management system shall be designed to ensure compliance with the NPDES MS4 permit, these Regulations, and the Massachusetts Stormwater Standards are met in all seasons and throughout the life of the system. The AEA shall make the final decision of what maintenance option is appropriate in a given situation. The AEA will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.

The O&M Plan shall include, at a minimum:

- The name(s) of the owner(s) for all components of the system.
- Maintenance Agreement that specifies:
 - The names and addresses of the person(s) responsible for operation and maintenance, including 24-hour emergency contact information;
 - The person(s) responsible for financing maintenance and emergency repairs;
 - A maintenance schedule for all drainage structures, including structural BMPs;
 - A list of easements to the Town with the purpose and location of each; and
 - The signature(s) of the owner(s).
- A plan drawn to scale showing locations of all stormwater facilities including but not limited to catch basins, manholes, drainage piping, outfalls, and stormwater BMPs.
- Blank O&M inspection and maintenance logs (preventative and corrective) to be used for each BMP. Forms will include, at a minimum, provisions for routine, annual, and after major storm events, as well as record the date maintenance was performed, type of maintenance performed, staff member or contractor who performed the maintenance, and any issues for follow-up.
- Manufacturer's data, operating manuals, and maintenance requirements for mechanical equipment and proprietary devices used as BMPs.
- Standard operating procedures for winter maintenance practices, including provisions to minimize salt usage and the use of salt alternatives, where appropriate.
- Storage location of the O&M Plan, which must permanently remain on site at all times both during and after construction.

- If a person other than the owner (for example, a public agency or homeowners' association) is identified as having the responsibility for maintenance, include documentation illustrating such person's obligation or agreement to assume this responsibility.

If the person responsible for maintenance is not a public agency, once the O&M Plan is approved by the AEA it shall be recorded at the Worcester County Registry of deeds by the permit holder, shall remain on file with the AEA, and shall be an ongoing requirement.

The owner of the stormwater management system must notify the AEA and record an updated O&M Plan at the Registry of Deeds as a result of changes in ownership or assignment of financial responsibility. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project unless such owner or tenant owns or leases the entire residential development or project.

The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Bylaw and these Regulations by mutual agreement of the AEA and the responsible parties. Amendments must be in writing and signed by all responsible parties. Responsible parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility. Once the amended plan is signed, the owner shall file it at the Registry of Deeds.

The owner(s) of the stormwater management system must submit annual reports to the AEA regarding the inspection and maintenance of the BMPs for which they are responsible. The reports must include:

- Overall condition of BMP;
- Inspection and maintenance logs;
- Description of corrective actions taken;
- An evaluation of the effectiveness of the O&M Plan; and
- Copies of maintenance-related receipts, if applicable.

Note that failure to submit the Annual Report within 30 days of its due date is subject to enforcement actions and penalties as described in Section 4.

Records of documents submitted with the annual report, as well as any other records of inspection and maintenance, must be kept on site by the owner(s) for the past seven years. They must be made available upon request by any public entity with administrative, health, environmental, or safety authority over the site.

The requirements in this section do not apply to stormwater management facilities that are dedicated to and accepted by the AEA.

In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the AEA shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the AEA. The AEA, in its discretion, may extend the

time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.

Nothing in this section shall preclude the AEA from requiring the posting of a performance or maintenance guarantee.

3.9 Easements

Stormwater management easements shall be provided by the property owner(s) as areas are necessary for:

- Access for facility inspections and maintenance;
- Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
- Direct access by heavy equipment to structures requiring regular cleanout maintenance.

The purpose of each easement shall be specified in the Long-Term O&M Maintenance Agreement signed by the property owner.

Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the AEA.

Easements shall be recorded with the Worcester Registry of Deeds prior to Issuance of Occupancy.

3.10 NPDES Construction General Permit

Projects that disturb one acre or more of land, or are part of a planned disturbance of one acre or more, are required to obtain permit coverage from EPA's National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). To obtain this permit, a Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) must be prepared and submitted to EPA prior to starting construction activities.

Upon filing for a NOI, the applicant will submit the EPA NOI tracking number(s) and SWPPP plans to the AEA. Provided all the required information from Section 2.6 is met, applicants may submit a completed SWPPP in place of an Erosion and Sediment Control Plan.

3.11 Submittals to Other Entities

The intent of the Land Disturbance Permit is to ensure compliance with state and local stormwater standards, as well as compliance with the NPDES MS4 Permit issued to the Town by the Environmental Protection Agency. Submittals to other Town departments, boards, or commissions, as well as state or federal agencies, may be utilized and supplemented to fulfill all requirements of the Land Disturbance Permit.

3.12 Actions

The action of the AEA, rendered in writing, shall consist of either:

- Approval of the Land Disturbance Permit Application and issuance of a permit based upon determination that the proposed plan meets the objectives and requirements listed in the Bylaw and Regulations;
- Approval of the Land Disturbance Permit Application and issuance of a permit subject to any conditions, modifications, or restrictions required by the AEA which will ensure that the project meets the objectives and requirements listed in the Bylaw and Regulations;
- Disapproval of the Land Disturbance Permit Application “without prejudice” where an Applicant fails to provide requested additional information that in the AEA’s opinion is needed to adequately describe the proposed project; or
- Denial of the Land Disturbance Permit Application and deny a permit based upon a determination that the proposed plan does not meet the objectives and requirements listed in the Bylaw and Regulations or does not adequately protect water resources as set forth in these Regulations.

Should a land-disturbing activity associated with an approved plan in accordance with these Regulations not begin during the 12-month period following permit issuance, the AEA may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the authority finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.

The AEA shall take action on an application within thirty (30) days of the receipt of a completed application or receipt of documentation addressing comments. Failure to take action shall be deemed to be approval of said application. Upon certification by the AEA that the allowed time has passed without action, the Land Disturbance Permit shall be issued.

3.12 Permit Issuance

Issuance of the Land Disturbance Permit is subject to the following:

1. No Land Disturbance Permit shall be issued until the required application packages are approved.
2. As a condition of permit issuance, the Applicant shall agree to allow any inspections to be conducted.
3. Where a bond, letter of credit, or other surety is required, the Land Disturbance Permit shall not be issued until the surety has been obtained and approved.
4. The Land Disturbance Permit and associated plans for grading, stripping, excavating, and filling work, bearing the approval of the AEA, shall be maintained at the site during the progress of the work. In addition, a copy of the NPDES Construction General Permit and Stormwater Pollution Prevention Plan (if applicable) shall be kept on site.

3.13 Project Changes

The permit holder, or their agent, must notify the AEA, in writing, of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the AEA determines that the change or alteration is significant, they may require that an amended application or a full resubmittal be filed in accordance with these Regulations. If any change or alternation from the Land Disturbance Permit occurs

during land disturbing activities, including significant changes to the approved plans and/or construction schedule, the AEA may require the installation of interim erosion and sedimentation control measures before considering the change or alteration.

3.13 Preconstruction Meeting

Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant’s technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the AEA and a Building Official from the Town Building Inspections Division (or their designated representatives) to review the permitted plans and proposed implementation, including but not limited to the planned operations at the construction site, planned BMPs during the construction phase, and the planned BMPs to be used to manage runoff created after development.

3.14 Inspections

As a condition of permit issuance, the Applicant must agree to allow inspections to be conducted. The AEA shall make inspections as required and shall either approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with the approved plans and any conditions of approval. In order to obtain inspections, the permit holder shall notify the AEA at least two (2) working days before each of the events listed in **Table 2**, based on whether the project required a Minor or Major Land Disturbance Permit.

Table 2: Schedule for Minor and Major Land Disturbance Inspections

Event	Minor Land Disturbance Permit	Major Land Disturbance Permit
Erosion and sediment control measures are in place and stabilized	Yes	Yes
Rough grading has been substantially completed	No	Yes
Final grading has been substantially completed	Yes	Yes
Bury Inspection: Prior to backfilling of any underground drainage or stormwater conveyance structures	No	Yes
During construction of structural BMPs	No	Yes
Close of the construction season	No	Yes
Final landscaping (permanent stabilization) and project final completion, including Final construction of structural BMPs, after they come online and are working as described in the approved plans	Yes	Yes

Such inspections may be combined with other inspections required under any other permits issued to authorize the project, as determined by the AEA.

3.15 Permit Holder Inspections

The permit holder or their agent shall conduct and document inspections of all stormwater control measures no less than weekly or as specified in the permit, and prior to and following anticipated storm events (over 0.5-inches in a 24-hour period). The purpose of such inspections will be to determine the

overall effectiveness of the required plans and the need for maintenance or additional control measures. The permit holder or their agent shall submit monthly reports to the AEA in a format approved by the AEA.

3.16 Final Report & Inspection

For Major Land Disturbance Permits only, upon completion of the work, the Permit Holder shall submit a report to the AEA (including certified as-built construction plans) from a Professional Engineer (P.E.) or Professional Land Surveyor (P.L.S.) certifying that all erosion and sediment control devices, structural stormwater controls and treatment BMPs, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies from the approved plans, if any, shall be noted.

The AEA shall inspect the system to confirm its as-built features, including possibly an evaluation during a storm event. If the inspector finds the system to be adequate, the AEA will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with these regulations. Said Certificate shall be submitted by the Permit Holder to the Town Building Inspections Division prior to the issuance of a Certificate of Occupancy, if applicable.

If the system is found to be inadequate by virtue of physical evidence of operational failure, even if it was built as called for in the Stormwater Management Plan, it shall be corrected by the permit holder. Examples of inadequacy include but are not limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

3.17 Review and Inspection Fees

The following fee schedules are minimum fees. The AEA may require higher fees if deemed necessary for proper review of an application or to ensure compliance. The Inspection Fee is based off \$50 per inspection. The amount of inspections to be completed by the AEA for a Minor or Major Land Disturbance Permit is three and seven inspections, respectively.

Minor Land Disturbance Permit:

- Review Fee: \$175.00
- Inspection Fee: \$150.00

Major Land Disturbance Permit (including full resubmittal):

- Review Fee:
 - Disturbance Area <1 acre: \$300
 - Disturbance Area 1-5 acres: \$350
 - Disturbance Area >5 acres: \$400
- Inspection Fee: \$350

Plan Amendment:

- Filing Fee: \$50.00
- Review Fee: \$150.00

The applicant may file a waiver for a 50% reduction on the Review Fee if filed under Planning Board for Site Plan or Subdivision Review.

3.18 Consultant Review

When reviewing, analyzing and processing an application for a major land disturbance, the AEA may require the assistance of outside consultants according to the size, scale, complexity or potential impacts of a proposed project. The applicant shall be responsible for depositing with the AEA an amount sufficient to cover the anticipated expenses for the Consultant Review. This fee is to be deposited into a special account as enabled by M.G.L. Chapter 44, §53G, referred to herein as the Consultant Review Account (CRF). The AEA may engage engineers, planners, lawyers, designers or other appropriate professionals who can assist the AEA in analyzing a project to ensure compliance with all relevant laws, bylaws and regulations and with a professional engineering, legal and design practice. Funds required by the AEA pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special CRF account for each project. Expenditures from this account may be made at the direction of the AEA without further appropriation and shall be made only in connection with the review of a specific application or applications for which the review has been or will be collected from the applicant. Failure to pay the review fee within fourteen (14) days following notification by the AEA shall be grounds for denial of the application.

If a project is under review by multiple boards and/or commissions, it may be possible for the project to be reviewed by one consultant. This would combine the consultant review fee for multiple permits of the same project.

Review fees may only be spent for services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. Upon request, the AEA shall notify the applicant of all expenditures from this account. At the completion of the review or, in the case of an approved project, at the completion of the project to the satisfaction of the AEA, any excess amount including interest shall be repaid to the applicant or successor in interest to the applicant. For the purpose of this regulation, any person or entity claiming to be a successor in interest to an applicant shall provide the AEA with documentation establishing such succession in interest.

An applicant may file an administrative appeal of the selection of the outside consultant with the Stormwater Committee. The applicant must file any such appeal within seven (7) days following their receipt of notification by the AEA of the selection of the consultant. The grounds for such appeal shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of an educational degree in, or related to, the field at issue or three or more years of practice in the field. The required time limit for action upon an application by the AEA shall be extended by the duration of the administrative appeal. In the event that

the Stormwater Committee makes no decision within one month following the appeal, the selection made by the AEA shall stand.

At the time of application, a deposit for outside consultant review fees shall be paid by the Applicant to the Town in such amount as is required by the AEA. Generally such initial deposit will be a minimum of two thousand five hundred dollars (\$2,500), but may be different depending on the size and/or nature of the proposal. Said deposit shall be replenished by the Applicant as required by the AEA before the amount of expenses equals in value the amount of the deposit.

3.19 Waivers

Any Applicant may submit a written request to be granted a waiver, as described in the Bylaw. 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.

All waiver requests may be discussed with other municipal departments and/or voted on at a public hearing for the project.

If in the Authorized Enforcement Agency's opinion, additional time or information is required for review of a waiver request, the Authorized Enforcement Agency may issue a written continuance for their review. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

SECTION 4. ENFORCEMENT

4.1 Decisions

A decision of the AEA shall be final. Further relief of a decision by the AEA made under these Regulations shall be reviewable in a court of competent jurisdiction. The remedies listed in these Regulations are not exclusive of any other remedies available under any applicable federal, state, or local law.

4.2 Enforcement

The AEA shall enforce these Regulations, the Bylaw, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

If a person violates the provisions of these Regulations, the AEA may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Whenever the AEA finds that a person has violated a prohibition or failed to meet a requirement of these Regulations, the AEA may order compliance by written Notice of Violation to the responsible person. Such Notice of Violation may include, but is not limited to:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;

3. A requirement to cease and desist from the violating discharges, practices, operations, or Land-Disturbing Activity until there is compliance with the Bylaw or provisions of the Land Disturbance Permit;
4. Maintenance, installation or performance of additional erosion and sediment control measures;
5. Remediation of erosion and sedimentation resulting directly or indirectly from the Land Disturbing Activity;
6. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
7. Payment to cover the municipality's administrative and remediation costs; and
8. The implementation of source control or treatment of the stormwater.

If the Authorized Enforcement Agency determines that abatement of a violation, restoration of affected property and/or remediation of erosion and sedimentation is required, the Notice of Violation shall set forth a deadline by which such abatement, remediation, and/or restoration must be completed. Said Notice of Violation shall further advise that, should the violator or property owner fail to abate, restore, and/or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the violator shall reimburse the municipality's expenses.

4.3 Penalties

Any person who violates any provisions of these Regulations, may be punished by a fine of not more than \$300.00. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.

As an alternative to criminal prosecution or civil action, the AEA may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, §21D, to be enforced by the AEA, and the Bylaw.

The Town shall require the repayment of services provided to the responsible party which the responsible party was obligated to perform as put forth in Land Disturbance Permit Documents submitted and reviewed in accordance with the Regulations. Such services may include but are not limited to removing sediment from stormwater devices, repairing stormwater devices or revegetating stormwater devices. The municipality will send the responsible party a bill for services provided. If the bill is not paid the municipality may impose a tax lien on the responsible party or parties' property.

If the enforcing person determines that abatement or remediation actions are required, the order shall set forth a deadline by which such abatement or remediation must be completed: Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Auburn may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator/property owner, to be recouped through all available means, including the placement of liens on the property.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator (if different than the property owner) and the property owner shall be notified of the costs incurred by the Town of Auburn, including administrative costs. The violator or property

owner may file a written protest objecting to the amount or basis of costs with the Stormwater Committee within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Committee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, 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, as provided in Massachusetts General Laws, Chapter 59, Section 57, after the thirty-first (31st) day following the day on which the costs were due.

4.4 Appeals

Any person receiving notice of an enforcement action may appeal the determination of the AEA to the Town Manager. The notice of appeal must be received by the Town Manager within five days from the date of the Notice of Violation. A hearing on the appeal before the Town Manager or their designee shall take place within 15 days from the date of the Town's receipt of the notice of appeal. The decision of the Town Manager or designee shall be final. Further relief shall be to a court of competent jurisdiction.

4.5 Emergency Abatement

The Authorized Enforcement Agency 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 Authorized Enforcement Agency, 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.

4.6 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by these Regulations, the Authorized Enforcement Agency may accept from a violator alternative compensatory actions, such as storm drain stenciling, maintenance of stormwater BMPs, participation in municipal waste or pollution reduction programs, attendance at compliance workshops, brook cleanup, etc.

Attachment A

Minor Land Disturbance Permit

Design and Construction Standards

1. As determined by the AEA, the project shall not temporarily or permanently negatively alter the flow of stormwater runoff leaving the site, nor shall it negatively alter the stormwater flow to any adjoining properties, public ways, or wetland resource areas.
2. Project must be consistent with, or more stringent than, the Stormwater Management Standards of the Massachusetts Stormwater Management Handbook.
3. To the maximum extent practicable, the permit holder shall manage stormwater runoff from the development by using infiltration and treatment Best Management Practices (BMPs). Stormwater runoff from on-site impervious surfaces shall be directed to BMPs to promote groundwater recharge and reduce stormwater runoff from the project site. BMPs shall be selected and sized using the latest edition of the Massachusetts Stormwater Handbook and standards set by the National Pollutant Discharge Elimination System (NPDES) Massachusetts Small MS4 permit.
4. The permit holder shall prevent construction impacts such as erosion, sedimentation, and other pollutant discharges during construction by providing construction period BMPs prior to the commencement of land disturbing activities. Construction BMPs shall be selected, located, inspected and maintained using the latest edition of the “Massachusetts Erosion and Sedimentation Control Guidelines”. The permit holder shall provide and maintain erosion and sedimentation controls until the site is permanently stabilized.
5. The permittee and/or successor shall inspect and maintain the site and permanent stormwater management systems following construction. Maintenance requirements for a site shall remain in perpetuity with the parcel.

Attachment B

Major Land Disturbance Permit

Design and Construction Standards

1. The Applicant shall refer to the following references (most recent edition) to aid the design and implementation of erosion and sediment control practices and structural and non-structural BMP practices:
 - Town of Auburn National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer Systems (MS4) Permit;
 - Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Handbook (MA Handbook);
 - Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials published by the Massachusetts Executive Office of Energy and Environmental Affairs (EEA);
 - Massachusetts Department of Transportation (MassDOT) Project Development and Design Guide, Drainage and Erosion Control Chapter; and
 - When applicable, Town of Auburn By-law 12.14 Wetland Protection, 12.15 Earth Removal Regulations, and 12.16 Earth Filling.
2. To the greatest extent practicable, the Town requires development and redevelopment project proponents to attenuate runoff and infiltrate rainfall on the property, and to minimize and mitigate against runoff and contaminants leaving private properties, both during construction and once completed.
3. In order to reduce the discharge of stormwater from development sites the Stormwater Management Plan shall demonstrate that Low Impact Development (LID) site planning and design strategies have been implemented, unless infeasible. Projects that use one or more LID site design measures may allow for a reduction in the water quality treatment volume required by these regulations. Refer to the most recent MA Handbook for examples of LID strategies that qualify for these credits and the procedures for applying and calculating credits.
4. Stormwater management system design shall consistent with, or more stringent than, the requirements for new development and redevelopment in the 2008 MA Handbook, as amended.
5. Stormwater management systems shall be designed to meet the average annual pollutant removal rates shown in **Table B-1**.

Table B-1: Average Annual Pollutant Removal Requirements

Type of Development	Total Suspended Solids (TSS)	Total Phosphorus (TP)
New Development	90%	60%
Redevelopment	80%	50%

The pollutant removal rates will be applied to the total post-construction impervious area. Pollutant removal is calculated based on average annual loading and not on the basis of any individual storm event. These average annual pollutant removal requirements are achieved through one of the following methods:

- Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1’s BMP Accounting and Tracking Tool (2016) 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, then 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; OR
- Retaining the volume of runoff equivalent to, or greater than, 1.0 inch (for new development) or 0.8 inches (for redevelopment) multiplied by the total post-construction impervious surface area on the site; OR
- Meeting a combination of retention and treatment that achieves the above standards; OR
- Utilizing offsite mitigation that meets or exceeds the above standards. The offsite location must be located within the Town of Auburn AND within the same USGS HUC12 as the new development or redevelopment site. In addition, offsite compliance shall be provided at a ratio of 1.5 times the volume of required runoff not retained or treated for phosphorus and pathogens onsite. The AEA may, at its discretion, identify priority areas within the watershed in which off-site compliance may be completed. Offsite compliance provided at a site not owned by the Town requires a separate Land Disturbance Permit covering the offsite compliance project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the offsite compliance is located. Construction of the offsite compliance project must commence prior to or in tandem with the new development and redevelopment project and must be completed within 12 months of issuance of a land disturbance permit.

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 these requirements.

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 all requirements.

6. New development and redevelopment stormwater management BMPs shall be optimized for phosphorus and nitrogen removal.
7. To the extent that the project will discharge, directly or indirectly, to a waterbody subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs) or an impaired waterbody, implement structural and non-structural stormwater BMPs optimized for the pollutant(s) responsible for the impairment. Status of waterbodies is determined based on the most recent Final Massachusetts Integrated List of Waters.
8. Commercial and industrial properties must provide measures to prevent exposure of any salt stockpiles used for winter maintenance activities. These properties must also establish procedures to minimize salt usage and increase the use of salt alternatives, to the greatest extent feasible.
9. 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. The type and arrangement of street trees shall be acceptable to the AEA. Vegetation must not include species that have been voted as “invasive” by the Massachusetts Invasive Plant Advisory Group.
10. The use of drainage facilities coordinated with landscaped buffers, open space and conservation areas is encouraged.
11. As determined by the AEA, neighboring properties shall not be negatively impacted by flooding due to excessive runoff caused by the development.
12. Design stream crossing culverts in accordance with the latest addition of the Massachusetts Stream Crossing Handbook, to the greatest extent practicable
13. The off-site transport of sediment and depositing or washing soil into a waterbody or the storm drainage system is prohibited. Sediment and erosion control measures for construction sites will include, but not be limited to:
 - Minimizing the amount of disturbed area and protecting natural resources;
 - Sequencing activities to minimize simultaneous areas of land disturbance;

- Minimizing peak rates of runoff;
- Diverting uncontaminated water around disturbance areas;
- Stabilizing sites when projects are complete or operations have temporarily ceased as soon as practicable but no more than 14 days after cessation of construction activities;
- Maintaining temporary measures until permanent measures are established;
- Protecting slopes;
- Preventing significant alteration of critical areas;
- Protecting all storm drain inlets and armor all newly constructed outlets;
- Using perimeter controls at the site;
- Stabilizing construction site entrances and exits to prevent off-site tracking;
- Controlling wastes that may be discharged, including but not limited to, discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes; and
- Inspecting stormwater controls at consistent intervals.