Town of Wilbraham
Stormwater Management Regulations

Adopted 11-15-2021

Table of Contents

Section 1. Purpose

The purpose of these Stormwater Regulations is to protect, maintain and enhance public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased runoff, decreased ground water recharge, erosion and sedimentation, and nonpoint source pollution associated with new development and redevelopment of land, pursuant to the Town of Wilbraham Stormwater By-law.

Development of land including loss of vegetative cover to create impervious surfaces, regrading, and other land use changes, permanently alter the hydrologic system of local watersheds by decreasing transpiration and infiltration, and increasing stormwater runoff rates and volumes, causing an increase in flooding, stream channel erosion, and sediment transport and deposition, and water quality degradation. This additional runoff contributes to increased nonpoint source pollution and degradation of receiving waters.

Stormwater management systems that are properly designed utilizing low impact design (LID) and green infrastructure (GI) techniques and appropriate best management practices (BMPs) can better simulate the natural hydrologic condition and reduce adverse impacts.

During the construction process, soil is often exposed for periods of time and most vulnerable to erosion by wind and water. The eroded soil endangers water resources by reducing water quality, and causing the siltation of valuable wetland resources including swamps, streams, rivers, lakes and aquatic habitat for fish and other desirable species.

The impacts of construction and post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, surface water drinking water supplies, groundwater resources including drinking water supplies, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters.

These Stormwater Regulations have been developed to provide reasonable guidance for the regulation of project design, construction and post-development stormwater runoff for the purpose of protecting local water resources from degradation. It is in the public interest to regulate construction and post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with construction site and post-development stormwater runoff.

Section 2. Definitions

ABUTTER: The owner(s) of land adjacent to regulated activity including properties across public and private streets from the regulated activity.

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 or 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 requesting a Local Stormwater Management Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Local Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CERTIFICATE OF COMPLETION (COC): A written determination by the Wilbraham DPW after all construction activities have been completed, which states that all conditions of an issued Local Stormwater Management Permit have been met and that a project has been completed in compliance with the conditions set forth in accordance with a Local Stormwater Management Permit. For major projects, a Certificate of Completion will be issued only after a Notice of Termination has been submitted to United States Environmental Protection Agency for termination of coverage under NPDES Construction General Permit.

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.

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

CLEARING: Any activity that removes the vegetative surface cover.

COMMON PLAN OF DEVELOPMENT: - A "larger common plan of development or sale" is 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 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.

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 of Massachusetts from any source.

DRAINAGE EASEMENT: A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

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 registered Professional Engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation

during pre-construction and construction related land disturbing activities.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

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

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

GROUNDWATER: Water beneath the surface of the ground.

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

HAZARDOUS MATERIAL: 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 or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Article III, § C of the Wilbraham Stormwater Management Bylaw.

IMPERVIOUS SURFACE: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include but is not limited to: roads, driveways, parking areas and other areas created using nonporous material; buildings, rooftops, structures, artificial turf and compacted gravel or soil.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND DISTURBING ACTIVITY: Any activity 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; involves clearing, grading, or excavating, including grubbing; or results in an alteration of drainage characteristics.

LAND USE WITH HIGHER POTENTIAL POLLUTANT LOAD (LUHPPL): Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards or other uses as identified by the Massachusetts Stormwater Handbook.

LOCAL STORMWATER MANAGEMENT PERMIT: A permit issued by the Permitting Authority/Authorized Enforcement Agency pursuant to the Wilbraham Stormwater Management

By-law prior to commencement of Land Disturbing Activity or Redevelopment.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

LOW IMPACT DEVELOPMENT or LID: site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. LID practices include but are not limited to bioretention facilities, rain gardens, vegetated rooftops, rain barrels and permeable pavements.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The performance standards as further defined by the Massachusetts Stormwater Handbook, issued by the Department of Environmental Protection, and as amended, that coordinate the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56 to prevent or reduce pollutants from reaching water bodies and control the quantity of runoff from a site.

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 with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by Wilbraham.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the EPA that authorizes the discharge of pollutants to Waters of the United States.

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

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

OFF-SITE COMPLIANCE: an approach whereby pollutant removal practices are implemented at redevelopment or retrofit sites at another location in the same HUC12 watershed, as approved by the Permitting Authority/Authorized Enforcement Agency.

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.

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

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, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged.

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes and industrial, municipal and agricultural waste discharged into water.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its regulations.

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.

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: The areal extent of construction activities, including but not limited to the creation of new impervious cover and improvement of existing impervious cover.

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

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

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

PERMITTING AUTHORITY/AUTHORIZED ENFORCEMENT AGENCY: The Town of Wilbraham Department of Public Works (Wilbraham DPW), and its employees or agents designated to enforce this by-law.

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

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings, details and reporting requirements developed by a registered Professional Engineer (PE), which describes structural and non-structural best management practices designed to control the

discharge of pollutants from impervious surfaces and onsite activities as well as the volume and peak rate of surface runoff from a site on an ongoing basis after construction has been completed.

SWPPP- Stormwater Pollution Prevention Plan- Plan including minimum information as required for coverage under the EPA NPDES Construction General Permit and with additional information as required by this by-law.

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

TOTAL MAXIMIM DAILY LOAD or TMDL: Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories and authorized tribes in listing impaired waters and developing Total Maximum Daily Loads (TMDLs) for these waterbodies. A TMDL establishes the maximum amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations.

TOTAL SUSPENDED SOLIDS or TSS: Undissolved organic or inorganic particles in water**.**

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

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

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, and groundwater and Waters of the United States as defined under the Federal Clean Water Act (33 U.S.C. § 1251, et seq.) as hereafter amended.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Wilbraham Wetlands By-law.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

Section 3. Authority and Administration

A. The Town of Wilbraham Department of Public Works (Wilbraham DPW) is designated as the Permitting Authority/Authorized Enforcement Agency under the Wilbraham Stormwater Management By-law**.** These Stormwater Regulations have been adopted by the DPW in accordance with the Wilbraham Stormwater Management By-law. The Wilbraham DPW shall administer, implement and enforce these Regulations. Any powers granted to or duties imposed upon the DPW may be delegated in writing by the DPW to its employees or agents.

B. The DPW may periodically amend these regulations pursuant to Article I, Section

G of the Stormwater Management By-law**.**

C. Nothing in these Regulations is intended to replace or be in derogation of the requirements of any other Wilbraham by-law.

D. By the enactment of these Regulations any previous stormwater regulations of the Town are hereby rescinded.

E. Failure to comply with these Regulations will be subject to enforcement under Stormwater Management By-law Section 634, Article I, Section H.

Section 4. Waivers

A. The DPW, or its authorized agent, may waive strict compliance with any requirement of the Stormwater Management By-law or the rules and regulations promulgated hereunder, where such action is:

(1) allowed by federal, state and local statutes and/or regulations and the MS4 Permit; and

(2) in the public interest; and

(3) consistent with the purpose and intent of this bylaw.

B. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of the bylaw.

C. An approved waiver may be limited in nature and does not fully exempt the applicant from compliance with the Town of Wilbraham Stormwater Management By-law or the rules and regulations promulgated hereunder.

Section 5. Local Stormwater Management Permit - Minor Project Procedure and Standards

A. Minor Project Review and Approval Required. Unless exempt under Article 2. Section A.3 of the Stormwater By-law or a waiver is granted, a Local Stormwater Management Permit – Minor Project must be obtained prior to the commencement of land disturbing activity disturbing less than one acre (43,560 square feet) of land.

B. Application. A completed application for a Local Stormwater Management Permit – Minor Project shall be filed with the DPW. The Local Stormwater Management Permit – Minor Project Application package shall include:

1. A completed application form
2. A non-refundable application fee as established by the DPW
3. A site plan the depicts the following information:
    a. Name, address and telephone number of owner, professional engineer (if applicable) and contractor (if applicable)
    b. Property lines

c. Existing zoning and land use at the site
d. Proposed land use
e. Location(s) of existing and proposed easements
f. Location of existing and proposed buildings and impervious surfaces
g. Location of existing and proposed Stormwater conveyances within the 50' property line.
h. Proposed driveway location and slope (not to exceed 2% within the first 20 feet measured from the paved road)
i. Septic system or sewer location
j. Well or water location
k. Limits of tree clearing
l. Limits of grading
m. Proposed erosion controls and stormwater management infrastructure.
n. Average slope of disturbed area as a percentage (%)
o. Contour Lines
p. Delineation of 100-year flood plain if applicable

4. A SWPPP if required by the DPW
5. Construction phase stormwater management plan if required by the DPW
6. If a project is shown on a plan as part of a larger plan of development that is covered under an existing NPDES (NOI), but is, in actual fact, considered a separate development on a unique lot, as determined by the Wilbraham DPW, then Local Stormwater Management Permit coverage is required for both activities. This may apply to a residential or commercial subdivision, where one person is responsible for roadway construction and a separate person is responsible for building construction on subdivided lots.
7. Applicants shall also pay review fees as determined by the DPW sufficient to cover any expenses connected with the review of a Local Stormwater Management Permit – Minor Project Application before the review process commences. The DPW is authorized to retain a registered Professional Engineer (PE) or other professional consultant to advise the DPW on any or all aspects of the Application. Additional fee information is provided in Section 7.

C. Performance Standards

1. To the extent that the project will discharge, directly or indirectly, to a water body subject to one or more pollutant-specific Total Maximum Daily Loads (TMDLs), implement structural and non-structural stormwater best management practices (BMPs) that are consistent with each such TMDL.
2. To the extent the project will discharge, directly or indirectly, to an impaired water body not subject to a TMDL, implement structural and

non-structural stormwater BMPs optimized to remove the pollutant or pollutants responsible for the impairment.

3. Avoid disturbance of areas susceptible to erosion and sediment loss.

4. Use Low Impact Development (LID) techniques where adequate soil, groundwater and topographic conditions allow. These may include but not be limited to reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens), and infiltration systems.

5. Maintain flows exceeding predevelopment conditions on site to avoid offsite flood or nuisance conditions.

D. Consent to Entry onto Property. An applicant consents to entry of the DPW or its authorized agents in or on site to verify the information in the application and to inspect for compliance with permit conditions.

E. Information requests. The applicant shall submit all additional information requested by the DPW to issue a decision on the application.

F. Action by the DPW. The DPW may:

(1) Approve the Local Stormwater Management Permit – Minor Project Application if it finds that the proposed plan meets the performance standards set forth herein;

(2) Approve the Local Stormwater Management Permit – Minor Project Application with conditions, modifications or restrictions that the DPW determines are required to meet the performance standards set forth herein; or

(3) Require submission of a Local Stormwater Management Permit Application – Major Project if the project will disturb land beyond administrative review thresholds or in the opinion of the DPW requires more extensive review.

H. Project Changes. The Applicant, or their agent, must notify the DPW in writing of any change or alteration of a land-disturbing activity authorized in a Local Stormwater Management Permit Approval before any change or alteration occurs. If the DPW determines that the change or alteration is significant, based on the design requirements listed in Section 9(E) and accepted construction practices, the DPW may require a Local Stormwater Management Permit – Major Project application be filed. If any change or alteration from the Local Stormwater Management Permit Approval occurs during any land disturbing activities, the DPW may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

I. As-Built Drawings. Applicants shall submit as-built drawings upon project completion, no later than one (1) years after completion of construction unless a written waiver request is submitted to and approved by the DPW for the as built requirement.

Section 6. Local Stormwater Management Permit -Major Project Procedure

A. Application. A completed application for a Local Stormwater Management Permit – Major Project shall be filed with the DPW. The Local Stormwater Management Permit – Major Permit Application package shall include:

(1) A completed Application Form with original signatures of all property owners;

(2) One hard copy and a digital copy each of the

(a) NPDES Notice of Intent

(b) SWPPP, including additional information as described in Section 10

(c) Stormwater Management Plan;

(d) Erosion and Sediment Control Plan; including information for sizing of temporary basins or other stormwater infrastructure shown on the plan and

(e) Operation and Maintenance Plan and Agreement.

(3) Payment of the initial application fee (see Section 7).

B. Opportunity for Public Comment-Public comment will be allowed at the Planning Board, Zoning Board, or Conservation public hearings. If a project does not fall under one of these public hearings, applicants must notify abutters prior to submitting an application using the form letter provided in the Stormwater Management Permit application. The letter notifies abutters about the project and provides information for abutters to contact the Department of Public Works for application documents and then comment directly to the Stormwater Authority. This notification shall be made by certified mail with proof of mailing provided to the Stormwater Authority at time of application submission.

The Department of Public Works is not required to hold a public hearing for projects or activities under the jurisdiction of these Regulations. For activities also requiring approval of other Town Boards, a public hearing shall be held in accordance with their procedures.

Where a public hearing is required through another permit process for the same project, applicants for a Stormwater Management Permit are exempt from this requirement.

C. Information Requests. The applicant shall submit all additional information requested by the DPW to issue a decision on the application.

D. Determination of Completeness: The DPW shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application is determined complete.

E. Fees. Each application must be accompanied by the appropriate application fee as established by the DPW. Applicants shall also pay review fees as determined by the DPW sufficient to cover any expenses connected with the public hearing and

review of the Local Stormwater Management Permit Application before the review process commences. The DPW is authorized to retain a registered Professional Engineer (PE) or other professional consultant to advise the DPW on any or all aspects of the Application. Additional fee information is provided in Section 7.

F. Entry. Filing an application for a permit grants the DPW or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

G. Final Action by the DPW. The DPW shall take final action within twenty-one (21) business days from the time of the submission of all required information unless such time is extended by agreement between the applicant and DPW. The DPW shall make the application available for inspection by the public during business hours. The DPW may:

(1) Approve the Local Stormwater Management Permit – Major Project Application and issue a permit if it finds that the performance standards and requirements set forth herein have been met;

(2) Approve the Local Stormwater Management Permit – Major Project Application and issue a permit with conditions, modifications or restrictions that DPW determines are required to ensure that the performance standards and requirements set forth herein are met;

(3) Disapprove the Local Stormwater Management Permit – Major Project Application and deny the permit if it finds that the performance standards and requirements set forth herein have not been met; or

(4) Disapprove the Local Stormwater Management Permit – Major Project Application "without prejudice" where an applicant fails to provide requested additional information or review fees that in the DPW's opinion are needed to adequately describe or review the proposed project.

H. Final Approval. Final approval, if granted, shall be endorsed on the Local Stormwater Management Permit – Major Project (or by the signature of the person officially authorized by the DPW).

I. Project Changes. The permittee, or their agent, must notify the DPW in writing of any change or alteration of a land-disturbing activity authorized in a Local Stormwater Management Permit before any change or alteration occurs. If the DPW determines that the change or alteration is significant, based on the design requirements listed in Section 9(E) and accepted construction practices, the DPW may require that an amended Local Stormwater Management Permit application be filed. If any change or alteration from the Local Stormwater Management Permit occurs during any land disturbing activities, DPW may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

J. As-Built Drawings. Applicants shall submit as-built drawings upon project completion, no later than one (1) years after completion of construction . The as-

built drawings must depict all on-site controls, both structural and non-structural, designed to manage stormwater associated with the completed site.

Section 7. Fees

A. Initial application fees shall be as follows:

Project Type	Permit Review and Inspection Fee
Minor Project – Less than 1 acre disturbed	$300
Major Project – 1 acre or more disturbed	$300 + $100 per acre disturbed

B. Consultant Fees

(1) Purpose. As provided by G.L. Ch. 44 §53G and Wilbraham Stormwater Management By-law, the DPW may impose reasonable fees for the employment of outside consultants, engaged by the DPW, for specific expert services to assist the DPW in its review of applications for Local Stormwater Management Permits and oversight of permit compliance.

(2) Special Account. Funds received pursuant to these rules shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the DPW without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

(3) Consultant Services. Specific consultant services may include but are not limited to technical or legal review of the permit application and associated information, on-site monitoring during construction, or other services related to the project deemed necessary by the DPW. The consultant shall be chosen by, and report only to, the DPW or its staff.

(4) Notice. The DPW shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five (5) business days of the date notice is given.

(5) Payment of Fee. The fee must be received prior to the initiation of consulting services. The DPW may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Commission within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the DPW to deny the application based on lack of sufficient

information to evaluate whether the project meets applicable performance standards. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld.

(6) Appeals. The applicant may appeal the selection of the outside consultant to the Board of Selectmen, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Board of Selectmen and a copy received by the DPW, so as to be received within ten (10) business days of the date consultant fees were requested by the DPW. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

(7) Return of Unspent Fees. When the DPW's review of a permit application and oversight of the permitted project is complete, any balance in the special account attributable to that project shall be returned within 30 calendar days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the DPW with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.

Section 8. Stormwater Management Plan for Permit Applications

A. The application for a Local Stormwater Management Permit – Major Project shall include a Stormwater Management Plan. The Stormwater Management Plan shall contain sufficient information for the DPW to evaluate the environmental impact, effectiveness, and acceptability of the site planning process and the measures proposed by the applicant to reduce adverse impacts from stormwater runoff during construction, and post-construction in the long-term.

B. The Stormwater Management Plan shall fully describe the project in narrative, drawings, and calculations. It shall at a minimum include:

(1) Contact Information. The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected;

(2) Narrative describing:

(a) Purpose;

(b) Methodologies and assumptions;

(c) Existing and proposed uses and conditions;

(d) Project impacts and mitigation techniques including:

i. Summary of proposed land area to be cleared, existing and proposed impervious area, work within proximity of regulated wetland resources, aquifer protection zones, earthwork within 4 feet of seasonal high groundwater elevations, and other sensitive environmental areas;

ii. LID techniques considered for this project and an explanation as to why they were included or excluded from the project;

iii. Proposed best management practices;

iv. Identifying the watershed basin that the project is located in and the immediate down gradient waterbody(s) that stormwater runoff from the project site discharges to, EPA's watershed and waterbody assessment and TMDL and/or impairment status of the watershed and waterbody(s), and the LIDs and BMPs included in the project to address the pollutant(s) of concern;

(e) Summary of pre- and post-development peak rates and volumes of stormwater runoff demonstrating no adverse impacts to down-gradient properties, stormwater management systems and wetland resources; and

(f) Summary of how project meets stormwater management criteria.

(3) Plans

(a) Portion of the USGS Map indicating the site locus;

(b) Existing conditions and proposed design plans showing:

i. Buildings and/or structures;

ii. Utilities including size, material and invert data;

iii. Topography with contours at 2 foot intervals on the MA State Plan Coordinate System; and

iv. Regulated wetland resource areas within proximity of the site

(c) Stormwater management design plan(s) and details showing:

i. Location, size, material, inverts data and details for all existing and proposed stormwater management system components including structures, pipes, swales, detention, retention, and infiltration systems and any other LID techniques or BMPs;

ii. Profiles of drainage trunk lines; and

iii. Drainage easements.

(d) Separate Pre- and Post- Condition Watershed Plans indicating:

i. Structures, pavements, surface vegetation and other ground cover materials;

ii. Topography sufficient to delineate watershed areas;

iii. Point(s) of analysis;

iv. Watershed areas including upgradient areas that contribute stormwater flow onto the project site, labeled to be easily identified in calculations. Total pre and post watershed areas should be equivalent;

v. Breakdown summary of various surface conditions by soil hydrologic group rating; and

vi. Flow path for time of concentration (Tc) calculation.

(4) Calculations

(a) Hydrologic calculation to determine pre and post peak rates and volumes of stormwater runoff for 2, 10, 25, 50 and 100 year 24 hour storm events and the water quality storm if applicable to the project;

(b) Groundwater recharge calculations and BMP drawdown (time to empty);

(c) Water quality calculations including (if applicable):

i. TSS removal calculation for each watershed;

ii. Specific BMPs utilized in critical areas;

iii. Specific BMPs utilized for land uses of higher potential pollutant loads (LUHPPL); and

iv. Specific treatment for pollutant causing impairment of down-gradient waterbody identified by U.S. Environmental Protection Agency and Massachusetts Department of Environmental Protection.

(d) Hydraulic calculations to size drainage pipes, swales and culverts; and

(e) Supplemental calculations for sizing LID and BMPs and addressing impairments to water bodies.

(5) Soil mapping and test data;

(6) Massachusetts Department of Environmental Protection Checklist for Stormwater Report completed, stamped and signed by a registered Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Massachusetts Stormwater Management Standards, Wilbraham Stormwater Management bylaw and these regulations; and

(7) Any other information requested by the DPW.

C. General Performance Standards for All Sites.

(1) LID site planning and design strategies must be utilized to the maximum extent feasible.

(2) The selection, design and construction of all pre-treatment, treatment and infiltration BMPs shall be in accordance with Massachusetts Stormwater Handbook and shall be consistent with all elements of the Massachusetts Stormwater Standards including but not limited to those regarding new stormwater conveyances, peak runoff rates, recharge, land uses with higher potential pollutant loads, discharges to Zone II or interim wellhead protection areas, sediment and erosion control, and illicit discharges.

(3) BMPs shall be optimized for nitrogen removal

(4) When the proposed discharge may have an impact upon a sensitive receptor, including streams, storm sewers, and/or combined sewers, the Wilbraham DPW may require an increase in these minimum requirements, based on existing stormwater system capacity.

D. Performance Standards for New Development.

(1) Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90%, or the required value of pollutant removal required by current version of the DEP's Stormwater Management Regulations, of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60%, or the required value required by current version of the DEP's Stormwater Management Regulations, of the average annual load of Total Phosphorus (TP) related to the total postconstruction impervious surface area on the site. Average annual pollutant removal requirements shall be achieved through one of the following methods:

(a) installing stormwater BMPs that meet the pollutant removal percentages required in Section 8.D.(1) 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

(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; or

(c) meeting a combination of retention and treatment that achieves the above standards.

E. Performance Standards for Redevelopment Sites.

(1) Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site. Average annual pollutant removal requirements shall be achieved through one of the following methods:

(a) 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

(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; or

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

(d) utilizing off-site mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.

F. Performance Standards for Redevelopment Projects Offsite Mitigation.

(a) For Redevelopment projects where the Applicant proposes to utilize off-site mitigation to meet the average annual pollutant removal requirements of 9.E.(1), the Applicant will describe in writing why it is not technically feasible to meet the average annual pollutant removal requirements on-site, including which on-site treatment BMPs were considered and why they were deemed not feasible.

(b) Off-site mitigation shall be located within Wilbraham and the same tributary to the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.

(d) The off-site mitigation project shall be designed and constructed in a manner consistent with the requirements of the Wilbraham Stormwater Management By-law and related regulations.

(e) The DPW shall, at its discretion, identify priority areas within the watershed in which offsite mitigation may be completed.

(f) Offsite mitigation provided at a site not owned by the Town of Wilbraham, requires a separate Local Stormwater Management Permit covering the off-site mitigation project, the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the off-site mitigation is located.

(h) Construction of the off-site mitigation project shall commence within 12 months of Local Stormwater Management Permit issuance and be completed within 12 months of commencement.

G. Stormwater Management Design Standards

(1) Projects must be designed to collect and dispose of stormwater runoff from the project site in accordance with Massachusetts Stormwater Management Standards, the Small MS4 General Permit, Wilbraham Department of Public Works requirements, recognized engineering methodologies and these regulations with an emphasis on including LID techniques in the design.

(2) Projects must manage surface runoff so that no increased peak flows or volumes are conducted over public ways, nor over land not owned or controlled by the Applicant unless a drainage easement in proper form is obtained permitting such discharge. Reasonable measures must be implemented to mitigate flooding issues caused by existing conditions and incorporated into the proposed stormwater management plan.

(3) Projects must use LID techniques where adequate soil, groundwater and topographic conditions allow. These may include but not be limited to reduction in impervious surfaces, disconnection of impervious surfaces, bioretention (rain gardens) and infiltration systems.

(4) Projects must use TR-55 and TR-20 methodologies to calculate peak rate and volume of runoff from pre-development to post-development conditions.

(5) Watershed area for hydrologic analysis and BMP sizing calculations must include at a minimum the site area and all upgradient areas from which stormwater runoff flows onto the site.

(6) For purposes of computing runoff, all pervious lands in the site are assumed prior to Development to be in "good hydrologic condition" regardless of the conditions existing at the time of the computation.

(7) Length of sheet flow used for times of concentration is to be no more than 50 feet.

(8) Utilize the 24 hour rainfall data taken from the most recent version of the NOAA Atlas 14-Precipitation-Frequency Atlas of the United States Volume 10 Version 3.0: Northeastern States - Upper Confidence Interval

Mean or NRCC Extreme Precipitation in New York & New England Precipitation-Frequency Atlas of the United States, Northeastern states.

(9) Soils tests to be conducted by a Registered Professional Engineer or Massachusetts Soil Evaluator, performed at the location of all proposed LID techniques and BMPs, to identify soil descriptions, depth to estimated seasonal high groundwater, depth to bedrock, and soil texture.

(10) The design infiltration rate shall be determined from the on-site soil texture and Rawls rates as published in the Massachusetts Stormwater Handbook or saturated hydraulic conductivity tests.

(11) Size drainage pipes to accommodate the 10 year storm event and maintain velocities between 2.5 and 10 feet per second, and provide calculations using the Mannings Equation.

(12) Size drainage swales to accommodate the 25 year storm event and velocities below 4 feet per second.

(13) Size culverts to accommodate the 50 year storm event and design adequate erosion protection. Design stream crossing culverts in accordance with the latest edition of the Massachusetts Stream Crossing Handbook.

(14) Size stormwater basins to accommodate the 100-year storm event with a minimum of one foot of freeboard.

(15) All drainage structures are to be able to accommodate HS-20 loading.

(16) Catch basins structures are to be constructed as required by the Wilbraham DPW.

(17) Outfalls are to be designed to prevent erosion of soils, and pipes 24 inches or larger are to be fitted with grates or bars to prevent ingress if deemed necessary by DPW.

(18) Drainage easements are to provide sufficient access for maintenance and repairs of system components and be at least 20 feet wide.

(19) If stormwater runoff from new impervious surfaces is directed into an existing stormwater management system, the stormwater design should confirm the capacity of the closed drainage system to accept the additional flows for collection and transport and the capacity of the best management practices to adequately treat the additional flow.

Section 9. Erosion and Sedimentation Control Plan of Permit Applications

A. The Erosion and Sediment Control Plan shall be designed to ensure compliance with these regulations, the MS4, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities. In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons.

B. 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 applicant is required to submit a complete copy of the SWPPP and the signed Notice of Intent. 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.

C. The Erosion and Sediment Control Plan shall remain on file with the DPW. Refer to the latest version of the Massachusetts Erosion and Sediment Control Guidelines for Urban & Suburban Areas for detailed guidance.

D. Erosion and Sedimentation Control Plan Content. The Plan shall contain the following information:

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

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

(3) Location and description of natural features including:

(a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a registered Professional Engineer (PE) for areas not assessed on these maps;

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

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

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

(5) Existing soils, volume and nature of imported soil materials;

(6) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;

(7) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;

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

(9) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including

both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;

(10) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable. When determining whether the requirements have been met, the DPW shall consider all stormwater management practices available and capable of being implemented after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Project purposes shall be defined generally (*e.g*., single family home or expansion of a commercial development).;

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

(12) Stormwater runoff calculations in accordance with the Massachusetts Department of Environmental Protection's Stormwater Management Handbook and Stormwater Standards;

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

(14) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;

(15) A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;

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

(17) Such other information as is required by the DPW.

E. Erosion Controls Design Standards. The Sediment and Erosion Control Plan shall be developed to comply with the Small MS4 General Permit and shall meet the following standards:

(1) Minimize total area of disturbance;

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

(3) Minimize peak rate of runoff in accordance with the Massachusetts Department of Environmental Protection Stormwater Standards;

(4) Minimize soil erosion and control sedimentation during construction, prevention of erosion is preferred over sedimentation control;

(5) Divert uncontaminated water around disturbed areas;

(6) Maximize groundwater recharge;

(7) Install and maintain all Erosion and Sediment Control measures in accordance with the Massachusetts Erosion and Sedimentation Control Guidelines for Urban and Suburban Areas, manufacturers specifications and good engineering practices;

(8) Prevent off-site transport of sediment;

(9) 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);

(10) Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;

(11) Protect natural resources and prevent significant alteration of 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 of Rare Species from the proposed activities;

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

(13) Properly manage on-site construction and waste materials, including truck washing and cement concrete washout facilities;

(14) Prevent off-site vehicle tracking of sediments; and

(15) Incorporate appropriate BMPs designed to comply with the Massachusetts Stormwater Handbook.

Section 10. Operation and Maintenance Plan for Permit Applications

A. A stand-alone Operation and Maintenance Plan is required at the time of application for all projects that include structural and non-structural stormwater BMPs. The Operation and Maintenance Plan shall be designed to ensure compliance with the Permit and these regulations for the life of the system. The Operation and Maintenance Plan shall remain on file with the DPW and shall be an ongoing requirement. The Applicant shall provide copies of the Operation and Maintenance Plan to all persons responsible for maintenance and repairs.

B. The Wilbraham DPW shall require the applicant or owner to execute and record in the Hampden County Registry of Deeds or in the Land Court Division of said Registry an operation, maintenance and inspection agreement binding on all subsequent owners of land served by the private stormwater management facility. The operation, maintenance and inspection agreement shall be designed to ensure that water quality standards are met in all seasons and throughout the life of the system. Such agreement shall provide for access to the facility at reasonable

times for regular inspections by the Wilbraham DPW, or its designated representative, and for regular or special assessments to property owners after costs of operation, maintenance and inspection to ensure that the facility is maintained in proper working condition to meet design standards and any conditions set forth in the permit. The permittee shall submit an annual operation and maintenance report to the DPW.

C. The Operation and Maintenance Plan shall include:

(1) The name(s) of the owner(s) for all components of the system;

(2) A map showing the location of the systems and facilities including all structural and nonstructural stormwater best management practices (BMPs), catch basins, manholes/access lids, pipes, and other stormwater devices. The plan showing such systems and facilities to be privately maintained, including associated easements shall be recorded with the Hampden Registry of Deeds prior to issuance of a Certificate of Compliance by the DPW pursuant to Section 14.

(3) Maintenance Plan that specifies:

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

(b) The person(s) financially responsible for maintenance and emergency repairs;

(c) An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed. Where applicable, this schedule shall refer to the Maintenance Criteria provided in the Stormwater Handbook or the EPA National Menu of Stormwater Best Management Practices or equivalent;

(d) Instructions for routine and long-term operation and maintenance shall have sufficient detail for responsible parties to perform necessary maintenance activities and prevent actions that may adversely affect the performance of each structural and/or nonstructural stormwater BMP.

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

(f) The signature(s) of the owner(s) and all persons responsible for operation and maintenance, financing, and emergency repairs, as defined in the Maintenance Agreement, if maintenance is to be performed by an entity other than the owner.

(4) Stormwater Management Easement(s)

(a) Stormwater Management easements shall be provided by the property owner(s) as necessary for:

i. Access for facility inspections and maintenance;

ii. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and

iii. Direct maintenance access by heavy equipment to structures requiring maintenance.

(b) The purpose of each easement shall be specified in the Maintenance Agreement signed by the property owner.

(c) Stormwater Management easements are required for all areas used for permanent stormwater control, unless a waiver is granted by the DPW pursuant to Section 4(B).

(d) Easements shall be recorded with the Hampden Registry of Deeds prior to issuance of a Certificate of Compliance by the DPW pursuant to Section 14.

(5) Changes to Operation and Maintenance Plans

(a) The owner(s) of record of the Stormwater Management system must notify the DPW of changes in ownership, assignment of Operation and Maintenance responsibilities, or assignment of financial responsibility within 30 calendar days of the change in ownership. The owner of record shall be responsible for Operation and Maintenance activities until a copy of the updated Operation and Maintenance Plan has been furnished to the DPW signed by the new owner or any new responsible person.

(b) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of the Stormwater Management By-law by mutual agreement of the DPW 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 and/or maintenance responsibility.

(6) Enforcement. To ensure adequate long-term operation and maintenance of stormwater management practices, applicants are required to implement one or more of the following procedures, as directed by the DPW:

(a) Filing by the applicant of an annual Operation and Maintenance Report with the DPW, in a form acceptable to the DPW including an annual filing fee established by the DPW for administration and enforcement of the Operation and Maintenance plan.

(b) Submission by the applicant of an annual certification documenting 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 person(s) or authorized agent of the person(s) named in the permit as being responsible for ongoing operation and management.

(c) If satisfactory corrections are not made by the owner(s) within thirty (30) calendar days of notice by the Wilbraham DPW, or designated representative, to correct a violation requiring maintenance work, the Town may perform or contract all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. If the costs are not paid, the Town may place a lien on the property or use available secured funds from bond provided.

(d) Failure to comply with these Regulations will be subject to enforcement under Stormwater Management By-law Section 634, Article I, Section H.

Section 11. Inspection and Site Supervision for Permit Applicants

A. Pre-construction Meeting. Prior to starting the clearing, excavation, construction, Redevelopment 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, may be required to meet with the DPW, to review the approved plans and their proposed implementation. The need for a pre-construction meeting shall be determined by the DPW in its sole discretion based on the project scope.

B. Construction may not commence until the applicant has submitted EPA's approval of the Construction General Permit Notice of Intent to the DPW and the final SWPPP is posted at the site.

C. DPW Inspections. The DPW or its designated agent shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan or the Stormwater Management Plan as approved.

(1) Inspections will be conducted by a "qualified person" from the DPW or a third party hired by the applicant and approved by the DPW, to conduct such inspections. A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of these Regulations.

(2) The approved Erosion and Sedimentation Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the DPW, shall be maintained at the site during the progress of the work.

(3) In order to obtain inspections, the applicant shall notify the DPW at least two (2) working days before each of the following events:

(a) Installation of erosion and sedimentation control measures;

(b) Site Clearing;

(c) Installation of permanent stormwater structures prior to backfilling of any underground drainage or stormwater conveyance structures; and

(d) Rough Grading has been substantially completed;

(e) Final Grading has been substantially completed;

(f) Close of the Construction Season; and,

(g) Construction completion: Contractor shall notify Wilbraham DPW in writing within ten (10) days when all work, including construction of stormwater management facilities and landscaping, has been completed and the site is stabilized. For all major projects, the NPDES Notice of Termination must also be filed with EPA and a copy provided to the Wilbraham DPW prior to final inspection or issuance of Certificate of Completion.

C. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures in accordance with the inspection schedule outlined in the approved SWPPP. The purpose of such inspections will be to determine the overall effectiveness of the Erosion and Sedimentation Control Plan, and the need for maintenance or additional control measures as well as verifying compliance with the Stormwater Management Plan. All inspections shall be documented in written form, and emailed to the Town of Wilbraham DPW. Such records shall be maintained by the applicant for at least 3 years from the day of final inspection.

Section 12. Surety for Projects Requiring Permits

The DPW requires surety for all major projects, unless a written waiver request is submitted to and approved by the DPW. If deemed necessary by DPW, surety for minor projects may be required. Applicants for these projects must post a surety or cash bond or other means of security acceptable to the Town prior to the start of work. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of the Stormwater Management By-law and other applicable laws and regulations, permits, and any time limitations. The company providing the performance bond to the developer shall submit a bond of the highest grade as rated by Moody's or Standard and Poor's.

If the project is phased, the DPW may release part of the security as each phase is completed in compliance with the permit, but the security may not be fully released until the DPW has received the final report as required by Section 13 and issued a certificate of completion pursuant to Section 14. If the permittee defaults on any obligations imposed by the Local Stormwater Management Permit, the DPW may (after notification of the permittee) inform the holder of the

security (and the municipal treasurer if the treasurer is not holding the funds) of the default, in which event the Town shall be entitled to the security funds.

The bond amount, to be estimated by the applicant and approved by the DPW, shall include the total cost to construct and maintain the stormwater system, including access roads during construction and a cost per acre to stabilize the site should the need arise for the DPW to undertake the stabilization of the site.

Section 13. Final Reports for Projects Requiring Permits

Upon completion of the work, but no later than one (1) year after completion of construction projects, the permittee shall submit a report in both hard copy and electronic form (including certified as-built construction plans) from a registered Professional Engineer (PE), surveyor, or Certified Professional in Erosion and Sediment Control (CPESC), certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. 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). Any discrepancies should be noted in the cover letter. The as-built plan shall be submitted digitally in accordance with Wilbraham Engineering Department standards. Wilbraham DPW shall issue a Certificate of Completion once all requirements have been met and approved by the DPW.

Section 14. Certificate of Completion for Projects Requiring Permits

The DPW shall issue a letter certifying completion upon receipt and approval of the final reports, completion of a final site inspection, and/or upon otherwise determining that all work has been conducted in conformance with these regulations and the Local Stormwater Management Permit conditions.