

**STORMWATER BYLAW/REGULATION QUESTIONNAIRE FOR
NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS
[With Recommendations for Revision of Current Bylaws/Regs]**

NOTE: NEW REQUIREMENTS IN 2014 PROPOSED MS4 PERMIT INDICATED BY BOLD ITALICS.

A. Permit Thresholds

Question 1. Does your Stormwater Bylaw cover development and redevelopment projects of more than an acre? [THIS IS A REQUIREMENT OF THE EXISTING MS4 PERMIT]

YES__

NO__ If you answered no, you should revise your Bylaw as soon as possible to comply with the current MS4 permit.

Regardless of your answer, we recommend that you revise your definition of redevelopment," if necessary, to be substantively equivalent to (but clearer than) the Wetlands Reg definition: *see Model Bylaw Section ____ and Model Regulation Section ____.*

Question 2. Do you require a stormwater permit for "land disturbances" of more than an acre? [THIS IS A REQUIREMENT OF THE EXISTING MS4 PERMIT]

YES__

NO__ If you answered no, you should revise your Bylaw as soon as possible to comply with the current MS4 permit with current MS4 permit.

Regardless of your answer, we recommend that you revise your definition of "land disturbance," if necessary, to include all the activities covered by most stormwater bylaws and regulations. *See Model Bylaw Section ____ and Model Reg. Section ____.*

Question 3. Does your Bylaw apply to *development and redevelopment projects of one acre or more* (as opposed to more than an acre, as required by the 2003 MS4 permit)?

YES__ [THIS IS A REQUIREMENT OF THE PROPOSED NEW MS4 PERMIT]

NO__

If you answered no, you'll have to change your current provision when the new MS4 permit takes effect.

Regardless of how you answered this question, see our recommended permitting size threshold under Question 4, below.

Question 4. Do you require stormwater permits for projects of less than one acre as does Canton (4,000 s.f.), Dedham (no lower limit), Walpole (40,000 s.f.) and Westwood (1/2 acre proposed)? If so, what is the permitting threshold?
YES__
NO__

Regardless of your answer to Question 4, unless your current permitting threshold is ¼ acre or less, we strongly recommend that you adopt a threshold of either ¼ or ½ acre. The proposed new MS4 permit states: ***“There shall be no increased discharges from the MS4 to impaired waters ... unless the (MS4) demonstrates that there is no net increase in loadings.”*** “Impaired waters” include those not currently meeting with any state Water Quality Standard and those subject to TMDLs. This new MS4 requirement will be extremely difficult if not impossible to meet if a few new paved parking lots of just under an acre are built in your town without stormwater controls. It will also be extremely difficult for towns to comply with the new MS4 permit *financially* if private parties are not required to treat polluted runoff from new development and redevelopment *before* it is discharged to your MS4. See Model Bylaw Section ____ and Model Regulation Section ____ for recommended permit thresholds.

Question 5. Does your Bylaw also apply to discharges that do not go into your MS4, but rather go directly or indirectly to wetlands or surface waters?
YES__
NO__

If you answered no to this question, we believe you should adopt the requirement into your Stormwater Bylaw. This is obviously not an MS4 requirement, but non-MS4 stormwater discharges have the same negative water quality impacts as do ones from MS4s and play an important role in keeping waterways from meeting state Water Quality Standards (WQS). Failure to meet WQS, in turn triggers additional MS4 requirements. Control of non-MS4 runoff is especially important for bacteria; the Neponset Bacteria TMDL sets very tight limits on both direct (from pipes, including MS4s) and indirect (not from pipes) stormwater discharges. See Model Bylaw Section ____ and Model Regulation Section ____ for language on implementing this recommended requirement.

Question 6. Does your Bylaw or Regulations limit exemptions to the following (or less than the following) common ones contained in most stormwater bylaws? If not, what is the rationale for each additional exemption?

- Projects that develop or redevelop less than 1,000 square feet of impervious surface
- Projects that alter less than 5,000 sq. ft. of land without creating 1,000 sq. ft. or more of impervious surface or altering pre-development drainage patterns so as to impact immediately abutting properties)
- Normal maintenance and improvement of land in agricultural use as defined in Sec. 10.02 of the Wetlands Protection Regulations
- Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling
- Repair or replacement of an existing roof of a single-family dwelling
- Construction of any fence that will not alter existing terrain or drainage patterns
- Construction of utilities other than drainage which will not alter terrain, ground cover or drainage patterns

- Emergency repairs to stormwater management facility or practice that poses a threat to the public health or safety or as deemed necessary by the stormwater permitting authority
- Any work or projects for which all necessary approvals and permits have been issued before the effective date of this Bylaw.

YES ___

NO ___

If you answer no to this question, we recommend that either you have a very strong rationale for additional exemptions or else remove them. You might also consider changing the exemption to a possible waiver (see Question ___) or require something less than a permit for it (see Question ___). See Model Bylaw Section ___ (or Model Regulation Section ___).

Question 7. If a project obtains a Wetlands Order of Conditions, must it also meet provisions in the Stormwater Bylaw and Regulations that are not included in the

YES ___ Wetlands Protection Act Regulations?

NO ___

If you answered no, remember that although there may be no provision in your current Stormwater Bylaw or Regulations that is not also included in the Wetlands Protection Act Regulations, this will definitely not be the case when the new MS4 permit takes effect (see for example Questions ___ and ___, below). See Model Bylaw Section ___ (or Model Regulation Section ___) for recommended language.

Question 8. Do projects that are “land uses with higher potential pollutant loads”[LUHPPL], as defined in the Wetlands Protection Act Regulations, have to obtain stormwater permits even though they are below the usual permitting threshold and, if so, what size projects are covered? (310 CMR 10.04 defines land uses with higher potential pollutant loads to include auto salvage yards, auto fueling facilities, commercial parking lots, gas stations; exterior fleet storage and vehicle service and equipment cleaning areas; YES ___ marinas and boat yards; and confined disposal facilities and disposal sites.)

YES ___

NO ___

Unless you require all LUHPPL projects of any size to obtain permits, you should consider revising your Bylaw or Regulations to require small LUHPPL projects to do so. The nature of the land use, rather than the mere size of the land disturbance, is more determinative of the potential pollution problems it is likely to cause. We recommend that all LUHPPL projects be required to obtain permits. See Model Bylaw Section ___ (or Model Regulation Section ___). You may, however, wish to set the threshold somewhat higher; e.g., 5,000 sq. ft.

Question 9. Does the Bylaw/Regulation authorize the Stormwater permitting authority to require a full permit for projects that normally are exempt or subject to non-permitting requirements, if such project is causing or can reasonably be expected to cause a violation

Yes ___ of state water quality standards?

No ___

If you answered no to this questions (as you probably did), we recommend that you consider adding the requirement to your Bylaw or Regulations. It is similar to the Wetlands Protection Act Regulatory provision

allowing Conservation Commissions to take jurisdiction over projects outside normal jurisdiction if, during or after construction, they are found to have altered a wetland. We recommend expanding this principal to projects that "*can reasonably be expected*" to violate a water quality standard. *See Model Bylaw Section ____ (or Model Regulation Section ____).*

Question 10. If your Bylaw or Regulation includes a waiver provision, is it limited to projects that can demonstrate that strict application of the Bylaw does not further its purposes or objectives and that the waiver is in the public interest, consistent with the purpose and intent of the Bylaw, and allowed by federal state and local rules and permits?
Yes___
No___

If you answered no to this question, we believe it is especially important that waivers not be granted unless the applicant "*can demonstrate that strict application of the Bylaw does not further its purposes or objectives.*" Without this assurance, waiver provisions can easily be abused. *See Model Bylaw Section ____ (or Model Regulation Section ____).*

B. Permit Standards

Question 11. Does your Bylaw contain a requirement "*at least as stringent as*" the following for projects seeking stormwater permits [THIS IS A NEW REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]?

1. Retain the first one (1) inch of runoff from all impervious surfaces on the site, OR

2. Provide the level of pollutant removal equal to or greater than the level of pollutant removal provided through the use of biofiltration on the first one (1) inch of runoff from all impervious surfaces on site. This standard shall be met through a combination of practices designed to retain runoff on site (environmentally sensitive site design, low impact development techniques) where technically feasible, and stormwater BMPs designed to treat the remainder of the runoff that cannot be retained on site due to site constraints.

YES___ *The level of pollutant removal from BMPs shall be calculated consistent with*
NO___ *EPA Region 1's BMP Performance Extrapolation Tool.*

If you answered no to this newly proposed MS4 requirement, as you almost certainly did, you will have to include it when the new MS4 permit takes effect, unless, of course, EPA revises it. Keep in mind that there are 3 key parts to this proposal that your Bylaw will have to include:

1. It applies to all impervious surfaces on a parcel of land, not just the portions that the project will disturb. This applies to both new development and redevelopment. EPA's proposal is a fairly radical departure from MassDEP's existing rule for wetland projects.
2. Not retaining the first inch of runoff on site appears to only be an option if full retention is *not "technically feasible...due to site constraints."* Only in that case may other, non-

retention BMPs be used on the portion of runoff which is infeasible to retain on site. Those non-retention BMPs must achieve a "***level of pollutant removal equal to or greater than (that) provided through the use of biofiltration,***" generally believed to be about 70%.

3. The level of pollutant removal from non-retention BMPs must be consistent with EPA Region I's BMP Performance Extrapolation Tool. This Tool, however, only calculates pollutant removal from BMPs for nitrogen, phosphorus, zinc and TSS. EPA has said verbally that for other pollutants, including bacteria, non-infiltration BMPs must still be implemented, though precise pollution reductions need not be calculated.

Section of the Model Stormwater Regulation, which we recommend you adopt once the new MS4 permit is finalized, meets all three of these proposed MS4 requirements, including what EPA has said verbally. Furthermore, it gives guidance where EPA does not on how to choose the best non-retention BMPs, if necessary, for pollutants other than TN, TP, TZ and TSS:

- Such BMPs must be chosen to maximize reduction of pollutants for which the receiving water exceeds Water Quality Standards, with preference for BMPs that are consistent with any TMDL; and
- The effectiveness of the BMPs chosen for each pollutant of concern must be determined in accordance with the Massachusetts Stormwater Handbook, Vol. 2, Ch. 2. The Handbook lists the percentage reduction potential of each BMP for each pollutant.

Finally, but very importantly, we have developed a Model Guidance identifying precisely which BMPs, retention and non-retention, are most effective at removing bacteria from runoff. The identification of these "pathogen-effective" BMPs comes from state Stormwater Handbook as well as guidance issued by the Boston Water & Sewer Commission. Once your revised Bylaws and Regulations are adopted (after the new MS4 permit is finalized in most cases) we urge your Stormwater Permitting Authority to adopt our Guidance as well.

Question 12. For discharges into waters where phosphorus is a cause of impairment (i.e., where a water body is listed as "impaired" for phosphorus on EPA's 303 (d) list), does your bylaw require that BMPs be optimized for phosphorus removal. [NOTE: This provision will apply to all Neponset municipalities] THIS IS A REQUIREMENT

YES__ IN THE PROPOSED NEW MS4 PERMIT.

NO__

If you answered no to Question 12, you will have to amend your Bylaw to include it when the new MS4 permit is finalized. See *Model Regulations Section* ____.

Question 13. For discharges into waters where nitrogen is a cause of impairment, does your Bylaw require that BMPs be optimized for nitrogen removal? [NOTE: This applies only to Foxborough, Sharon and Stoughton in the Neponset watershed] [THIS IS A

YES__ REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]

NO__

If you answered no to this question, and your town is Foxborough, Sharon or Stoughton, you will have to amend your Bylaw to include it when the new MS4 permit is finalized. See *Model Regulations Section* ____.

Question 14. Does your Bylaw or Regulation require projects applying for permits to
YES__ comply with state Stormwater Standards?
NO__

If you answered no to this question, we recommend that you make your Stormwater Bylaws consistent with the state Wetlands Protection Act Regulations by amending them as soon as possible.

PLEASE ALSO SEE OUR RECOMMENDATIONS UNDER QUESTIONS 15 - 18, below. *And see Model Regulations Section ____.*

Question 15. Are your Bylaws and Regulations free of provisions that conflict with DEP Stormwater Standards (for example, some local Bylaws allow reduction of 40% of existing impervious surfaces to constitute compliance with DEP redevelopment
YES__ requirements)?
NO__

If you answered no to this question, we recommend that you make your Stormwater Bylaws consistent with the state Wetlands Protection Act Regulations by amending them. PLEASE ALSO SEE OUR RECOMMENDATIONS UNDER QUESTIONS 14, 16, 17 and 18. *And see Model Regulations Section ____.*

Question 16. Does your Bylaw contain a provision for projects subject to local stormwater permitting that is "***at least as stringent as***" the following new requirement in EPA's 2014 MS4 permit proposal? [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]
"All BMPs installed as part of the site's stormwater management system shall be constructed in accordance with the Massachusetts Stormwater Handbook Volume 2, Chapter2.
YES__
NO__

Regardless of your answer to this question, we recommend that you make your Stormwater Bylaws consistent with the state Wetlands Protection Act Regulations by having them require that BMPs be "selected" as well as "constructed" in accordance with the Handbook. PLEASE ALSO SEE OUR RECOMMENDATIONS UNDER QUESTIONS 14, 15, 17 and 18. *And see Model Regulations Section ____.*

Question 17. Do your Bylaws or Regulations specifically require projects to comply with the Massachusetts Stormwater Handbook as well as the Stormwater Management Standards (projects subject to the Wetlands Protection Act are required to comply with
YES__ the entire Handbook, which is much more detailed than the Standards)?
NO__

If you answered no to this question, we recommend that you make your Stormwater Bylaws consistent with the state Wetlands Protection Act Regulations by referring to the "*Stormwater Standards as further defined in the Massachusetts Stormwater Handbook.*" Despite the use of this phrase in the Wetlands Protection Regulations, few

applicants or Conservation Commissions consult the Handbook when they apply the Standards. That's why it's so important to use this phrase whenever you refer to the Stormwater Standards. This is critically important as the Handbook identifies the appropriate BMPs to use to meet each Standard and it requires applicants to address TMDL pollutants even though the Standards themselves refer only to TSS (see Question 18, below). PLEASE ALSO SEE OUR RECOMMENDATIONS UNDER QUESTIONS 14, 15, 16 and 18. *And see Model Regulations Section definition of "Massachusetts Stormwater Management Standards."*

Question 18. Are projects that need stormwater permits specifically required to implement BMPs that are "consistent with" any applicable Total Maximum Daily Load(s)? All waters in the Neponset River Watershed are subject to a Bacteria TMDL, YES__ and this consistency requirement is included in the MA Stormwater Handbook. NO__

If you answered no to this question, we recommend that you amend your Bylaw or Regulation to make them consistent with the state Wetlands Protection Act Regulations as soon as possible. As noted above about other Handbook requirements, it is not generally observed by Conservation Commissions. For the Neponset, this is partly because MassDEP refuses to say which BMPs are, in fact consistent with our Bacteria TMDL. However, as mentioned in our recommendations under Question 11, above, we have developed a Model Guidance identifying precisely which BMPs, are most effective at removing bacteria from runoff. The identification of these "pathogen-effective" BMPs comes from state Stormwater Handbook as well as a Guidance from the Boston Water & Sewer Commission. However, your Bylaw or Regulations must require that BMPs be consistent with TMDL(s) before the Guidance may be used.

PLEASE ALSO SEE OUR RECOMMENDATIONS UNDER QUESTIONS 14 – 17, above. And see Model Regulations Section ____

Question 19. If your town has construction standards that apply to stormwater management measures, are they consistent with the BMP design standards and criteria contained in Vol. 2, Ch. 2 of the MA Stormwater Handbook? YES__ NO__

If you answered no to this question, you should speak to whatever town official, department, or board issued the construction standards to discuss how they could be revised to be consistent with the Stormwater Handbook. This is equally important for project filing Wetland Protection Act Notices of Intent.

Question 20. Does your Bylaw contain a provision for projects subject to local stormwater permitting that is "*at least as stringent as*" the following new requirement in EPA's 2014 MS4 permit proposal? [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]

"Stormwater management systems designed on sites with documented soil contamination or management systems designed on industrial sites shall not

include BMPs that promote infiltration and shall instead require use of treatment

YES__
NO__

We make no recommendation on this proposed new MS4 requirement until it is clarified by EPA.

Question 21. Does your Bylaw contain a provision for projects subject to local stormwater permitting that is **“at least as stringent as”** the following new requirement in EPA’s 2014 MS4 permit proposal? [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]

“Stormwater management systems designed to include infiltration near environmentally sensitive areas, including public water supplies and any other sensitive area as determined and documented by the (stormwater authority) shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill or other unexpected event.”

YES__
NO__

If you answered no to this question, you will have to amend your bylaw when the new MS4 permit is finalized. *See Model Regulations Section ____.*

C. Sedimentation and Erosion Control

Question 22. Does your Bylaws contain the following three requirements for construction site stormwater runoff from new development and redevelopment projects? [THIS REQUIREMENT IS FROM THE EXISTING MS4 PERMIT]

- requires construction activities which results in a land disturbance of an acre or more to implement erosion and sediment controls at construction sites which include Best Management Practices appropriate to site conditions, including efforts to minimize the area of land disturbance;
- requires control of wastes including discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary wastes; and
- gives you the authority to implement sanctions to ensure compliance?

YES__
NO__

If you answered no, revise your Bylaw immediately to comply with current MS4 permit. *Also see Model (Bylaw and or Regulation) Section ____.*

Question 23. Does your Bylaw contain a provision for projects subject to local stormwater permitting that is **“at least as stringent as”** the following? [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]

YES ___
NO ___

“Stormwater management systems shall be designed to avoid disturbance of areas susceptible to erosion and sediment loss.”

Unless your current Bylaw or Regulation lists the areas that are susceptible to erosion and sediment loss, you should answer “no” to this question. We recommend that to the greatest extent practicable, permit applicants to required to avoid disturbing thickly forested areas, steep slopes (e.g., 15% or greater) and areas within floodplains. *And see Model Regulation Section ____.*

D. Operation & Maintenance Requirements

Question 24. Do you require development and redevelopment projects seeking stormwater permits to have long-term operation and maintenance (O&M) plans for post-construction stormwater management systems? [THIS REQUIREMENT IS IN THE CURRENT MS4 PERMIT]

YES ___
NO ___

If you answered no, revise your Bylaw immediately to comply with current MS4 permit.

Question 25. Does the O&M Plan required in your Bylaw for projects subject to local stormwater permitting include a provision that is “*at least as stringent as*” the following new requirement in EPA’s 2014 MS4 permit proposal? [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]

YES ___
NO ___

“Long term operation and maintenance plans must include a requirement to inspect and repair installed BMPs to ensure they are functioning according to manufacturer or design specifications.”

If you answered no to this question, you will have to amend your Bylaw or Regulation when the new MS4 permit is finalized. HOWEVER, we suggest that you deal with this new requirement by adopting the recommendations we make under Question 26, below.

Question 26. Does your O&M “Program” (not necessarily your Stormwater Bylaw or Regulations) have “procedures to ensure adequate long-term O&M?” Note that MS4s must “*report in the annual report on the measures that they have utilized to meet this requirement.*” [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]. The proposed new MS4 permit goes on to say *these procedures may include:*

- *the use of dedicated funds or escrow accounts for development projects*
- *the acceptance of ownership by the permittee of all privately owned BMPs.*
- *the development of maintenance contracts between the owner of the BMP and the permittee.*

- *the submission 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.*

YES__
NO__

We believe this is an extremely important and wise addition to the MS4 permit, as towns currently have virtually no capability (given staff and funding restraints) of ensuring that O&M Plans are being complied with in the years after project completion. In addition to the four procedures listed above that EPA says towns "may use," we recommend consideration of two additional options: annual certifications of compliance (which MassDEP has found to be very effective) and recording of O&M Plans at the Registry of Deeds (so that potential property buyers will know of their O&M obligations in advance of purchase).

If you answered no to this question, you should consider making the six O&M "procedures" listed above into regulatory requirements, since they appear to apply only to projects with stormwater permits. We recommend that your Bylaw direct the Stormwater Permitting Authority to require one or more of those options at their discretion. These six procedures as fleshed out in the *Model Stormwater Regulations Section 10.(6)*.

In addition, we believe that application fees ought to cover, among other things, the cost of developing a computer program to track compliance with O&M requirements and issue regular reports on violations. See Question 41, below, on establishment of permitting fees.

E. Bans on Illicit Discharges and Connections

Question 27 Do you have a provision in your Stormwater Bylaw or other municipal ordinance that prohibits non-stormwater discharges to your MS4 and enables you to take enforcement action against any such "illicit" discharge or connection? [THIS IS A

YES__ CURRENT MS4 REQUIREMENT]
NO__

If you answered no to this question you should revise your Bylaw immediately to comply with current MS4 permit requirements.

Question 28 Does your Stormwater Bylaw or other municipal ordinance provide "adequate legal authority to accomplish the following tasks (in addition to prohibiting illicit discharges and taking appropriate enforcement action, as required in the 2003 MS4 permit): investigate suspected illicit discharges to the MS4; eliminate such discharges, including those from properties not owned or controlled by the MS4;" and "notify all responsible parties for any such discharge and require immediate

YES__ cessation?" [THIS IS A REQUIREMENT IN THE PROPOSED NEW MS4 PERMIT]
NO__

If you answered no to this question, you will have to amend your bylaw or regulations to comply with the new MS4 permit is finalized. See *Model Bylaw Section ___ for appropriate language.*

F. Review of Projects Below Permitting Thresholds

Question 29. Are there any requirements for projects that are too small to need a full stormwater permit and if so, what size and type of projects do they apply to?
YES__
NO__

If you answered no to Question 29, we strongly recommend that you adopt some modest standards for non-exempt small projects. As stated in our recommendations under Question 4, it will be very difficult for towns to comply with some of the new MS4 requirements (such as bans on new or increased MS4 discharges) if small projects do not have to institute even the cheapest and most reasonable of stormwater management measures. Many towns in the Neponset Valley do have some stormwater requirements for projects that don't need stormwater permits. **[ADD NAMES OF TOWNS]**

We recommend that some level of review and approval less stringent than that required of permitted projects be given to all non-exempt projects that disturb 5,000 sq. ft. of more of land or which develop or redevelop 1,000 sq. ft. or more of impervious surface. See Stormwater Bylaw Section ____.

Question 30 If the answer to Question 29 is yes, do these projects have to meet specific design or performance standards, and if so, what are they?
YES__
NO__

If you answer no to Question 30, we would suggest that review of small projects without establishing any standards is pointless and such standards should be included in your Bylaw or Regulations. Such standards need to be modest for most small projects like those associated with single family homes, but should be somewhat tougher for small projects on large commercial or industrial parcels. We recommend that covered projects be required to:

- retain the first 1 inch of rainfall on site or, if that is not possible due to site constraints,
- comply with the state Stormwater Standards to the maximum extent practicable. "Practicable" should be defined in the Bylaw as it is Riverfront Area provisions of the Wetlands Protection Regulation (310 CMR 10.58(4)(c)1.) as "available and capable of being done 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)." *See Model Stormwater Regulation Sec. ____.*

Question 31. If the answer to Question 29 is yes, are these projects required to go through some level of town review before construction may begin (and if so, what is the nature of the review)?
Yes__
No__

If you answered no to this question, we would suggest that compliance with even the most modest performance standards cannot be ascertained without some level of non-onerous local review. We would recommend that applications for such projects require only the following:

- a modest site drawing including existing conditions and areas of proposed land disturbance;
- proposed stormwater management measures (construction site and post-construction)

- basic erosion and sedimentation controls
- a simple Operation & Maintenance Plan
- acknowledgement that the applicant will submit as-built drawings upon project completion.

See Model Stormwater Regulation Sections 6A. and 6B.(1). (p. 29)

G. Miscellaneous Bylaw/Regulatory Provisions

Question 32. Does your stormwater bylaw authorize the issuance of regulations?

YES__

NO__

If you answered no to Question 32, we recommend that you amend your Bylaw so that it authorizes the Stormwater Authority to establish detailed requirements for appropriate stormwater management measures by Regulation. Regulations do not need approval from Town Meeting and thus can be revised much more easily. *See Model Bylaw Section _____.*

Question 33. If so, have you adopted Regulations?

Yes__

No__

If you answered no to this question, see recommendation under Question 32, above.

Question 34. Does your Stormwater Bylaw or Regulation provide credits or other incentives for use of Low Impact Development (LID) techniques, as delineated in the Wetlands

Yes__ Stormwater Handbook?

No__

If you answered no to this question, you should seriously consider adopting provisions such as the ones in the Wetlands Protection Regulations that require applicants to “consider” and give preference to Low Impact Development (LID) techniques. Such techniques are the most effective method of reducing runoff and its pollutant levels and are often cheaper for developers to use than conventional techniques. Many developers feel, however, that even if they use LID they’ll still have to comply with normal Stormwater Standards. Credits for LID techniques, and the methods for calculating them, can allay those fears. It is especially easy to include them in your Stormwater Bylaw by simply by referencing the Stormwater Standards and Handbook. *See Model _____, Sec. _____.*

Question 35. Do the permit application filing requirements of your Bylaw or Regulation include at a minimum all the information and materials (other than those specific to wetlands) listed on the Wetlands Notice of Intent and Stormwater Checklist forms? If not

YES__ what is left out?

No__

MassDEPs Wetlands Program has very comprehensive permit filing requirements, including a Stormwater Checklist. If you answered no to this question, why reinvent the wheel when you can simply use DEP's filing rules. *See Model Regulations Sec. ____.*

Question 36. Does your Stormwater Bylaw, Regulation or other procedure “*require, at a minimum, the submission of as-built drawings no later than one year after completion of construction projects (that) depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site?*”

Yes__ [THIS IS A REQUIREMENT OF THE PROPOSED NEW MS4 PERMIT]

No__

If you answered no, you'll have to change your current provision when the new MS4 permit takes effect. *See Model Regulations Sec. ____.*

Question 37. Does your Bylaw/Regulation require a Certificate of Compliance (or something similar)?

Yes__

No__

If you answer no to this question, we recommend using this very sensible requirement of the Wetlands Regulation to ensure that projects are actually built as permitted. *See Model Regulations Section ____.*

Question 38. Must the Certificate of Compliance (CoC), if any, or the Operation and Maintenance Plan be recorded at the Registry of Deeds (the Wetlands Protection Act Regulations require that CoCs be recorded)?

Question 39. Does your Stormwater Bylaw or other municipal ordinance provide authority to enforce and issue fines for violation of the Stormwater Bylaw or Regulation?
NEW MS4 REQUIREMENT???????

Question 40. Does your Stormwater Bylaw or other municipal ordinance provide authority to require surety bonds to guarantee performance of the work as permitted?

Question 41. Do you have authority under your Stormwater Bylaw or under another municipal ordinance to collect application and consultant fees which can be used to enhance the effective implementation of the Stormwater Bylaw and Regulations?

Question 42. Do you have a requirement, in your Stormwater Bylaw, Regulations or otherwise, that dog poop be picked up and properly disposed of?

Question 43. If so, are there fines for violation of this requirement?

H. Non-bylaw Internal Coordination Question

Question 44. Do you consider there to be a good level of coordination and cooperation among the stormwater permitting authority and other local boards and officials whose permits may impact stormwater management? If not, do you consider the level of coordination to be fair or poor, and why?